

Decision in case 911/2019/LM concerning the way in which the European Commission representation in Italy evaluated a proposal to become partner of the

Decision

Case 911/2019/LM - Opened on 04/03/2020 - Decision on 04/03/2020 - Institution concerned European Commission (No maladministration found) |

The complaint to the Commission

1. In 2017, the European Commission's representation in Italy published a call for proposals (the call) to select Europe Direct information centres in Italy for the period 2018-2020 [1] . Europe Direct is a European information network for European citizens, set up by the European Commission. The complainant, a University located in the Italian region Emilia Romagna, made a proposal but was not selected because it did not meet the Commission's minimum points-threshold for its communication strategy.

2. In February 2018, the complainant wrote to the Commission, disagreeing with its evaluation of the complainant's communication strategy. The complainant argued that the low score for its communication strategy was inconsistent with the higher scores the Commission awarded to other aspects of the proposal. The complainant also considered that, in scoring applications, the Commission should have taken into account applicants' previous experience in providing information to the public. The complainant finally contended that the call for proposals did not ensure a fair geographical distribution of Europe Direct centres, leaving parts of Italy without any Europe Direct centre.

The Commission's response to the complainant

3. The Commission replied to the complainant that each award criterion listed in the call for proposals was evaluated separately. To be selected, a proposal had to obtain a minimum number of points for each criterion. The complainant was not selected because it had not reached the minimum points for one of the criteria, relating to its communication strategy. The Commission said that it considered the complainant's communication strategy unsatisfactory because it did not sufficiently specify objectives, information needs and the target audience.



4. The Commission explained that it awarded the grants per region. It did so to the proposals that had obtained the highest number of points, depending on budget availability.

5. The complainant was not satisfied with the Commission's response. It considered that information needs can only be assessed on a case by case basis. It maintained that the geographical distribution of Europe Direct centres in Italy was unreasonable, because it did not take into account the size of the regions and the number of inhabitants. The complainant therefore turned to the Ombudsman in May 2019.

The European Ombudsman's findings

6. The Ombudsman's role is to ensure good administration in the EU institutions. In a call for proposals, such as the one in question, it is good administration for the EU body concerned to follow the applicable procedure and assess every criterion in the call. The Ombudsman can thus examine whether the Commission assessed every criterion and whether there was a procedural error. However, it is not for the Ombudsman to re-evaluate the complainant's proposal. Regarding the substantive assessment of the complainant's proposal, the Ombudsman's role is thus limited to determining whether the Commission made a manifest error of assessment.

7. It is clear from the information provided with the complaint that all award criteria were assessed by the Commission. The Commission has also given a substantive and reasonable reply to the complainant's concerns about the evaluation. Each award criterion was scored independently from the other. The fact that one criterion was scored with a lower mark than the others is thus not indicative of a manifest error of assessment. The complainant has not put forward anything to suggest a procedural error in relation to the Call.

8. Regarding the complainant's argument that previous experience should have been taken into account, the Commission did so under the *selection* criteria, not under the *award* criteria. The Call for proposals required applicants to have at least two years of experience in communication with the public. The approach to assess previous experience as a selection criterion, not as an award criterion, is in line with the EU Financial Regulation and its rules of applications, which were applicable at that point in time [2] .

9. The fact that the Commission awards the grant for Europe Direct centres per region in Italy (depending on budget availability and the quality of proposals) is a policy choice that falls outside the Ombudsman's remit.

10. Based on the information provided by the complainant, the Ombudsman thus finds no maladministration in this case. [3]

Tina Nilsson



Head of Inquiries - Unit 4

Strasbourg, 04/03/2020

[1] COM/ROM/ED/2018-2020 available at

https://ec.europa.eu/italy/sites/italy/files/invito_a_presentare_proposte_0.pdf [Link]

[2] See Article 148 of the Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R1268&from=EN> [Link].

[3] 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]