

## Decision of the European Ombudsman on complaint 1707/2020/DDJ against the Research Executive Agency

Decision

**Case** 1707/2020/DDJ - **Opened on** 04/11/2020 - **Decision on** 31/05/2021 - **Institution concerned** European Research Executive Agency ( No maladministration found ) |

Dear Dr X,

On 5 October 2020, you submitted a complaint to the European Ombudsman against the Research Executive Agency (REA) concerning its alleged failure to pay you the correct amount for your work as an expert for the Shift 2 Rail Joint Undertaking. You claim that REA should pay you an additional EUR 585,-.

Your claim is based on the following three arguments:

1. REA wrongly considered one of the proposals that you evaluated to be an 'Open Calls' (OC) rather than a 'Calls for Members only' (CFM);
2. REA disregarded that you attended a second briefing meeting;
3. REA wrongly counted the panel meeting of 30 June 2020 as 0.5 working days only.

On 4 November 2020, we requested REA to provide you with a detailed explanation of how it determined the amount paid to you under contract CT-EX2002B058923-116. REA provided you with a detailed reply on 26 November 2020, to which we received your comments on 30 November 2020.

**After a careful examination of the information provided by you and REA, the Ombudsman finds no maladministration. [1]**

In reply to your first argument, REA listed the proposals you evaluated, together with their 'topic code'. We note that each of these topic codes include the reference 'OC'. It thus appears that all the proposals that you evaluated were Open Calls, with a maximum fee of EUR 315,-. You have not provided us with any information that would lead to a different conclusion.

As regards your second argument, REA said that the contract [2] and the methodology guide



[3] stipulate that a maximum of 0.5 working days may be reimbursed per evaluation session. We find no reason to question REA's position.

Regarding your third arguments, REA says that the meeting ended at 13:37, which constitutes 0.5 working days. You contend that the meeting ended at 17:12. You have not provided any evidence that would put into question REA's account of the facts.

I appreciate that this decision might be disappointing to you. I do hope that the above information and explanations are helpful.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 31/05/2021

[1] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link].

[2] Expert contract - Contract number CT-EX2002B058923-161, Article 4 ('Fees').

[3] Methodology for expert fees for remote evaluation and ethics review (C(2016)5455), link: [https://ec.europa.eu/research/participants/data/ref/h2020/other/experts\\_manual/methodology-for-expert-fees\\_en.pdf](https://ec.europa.eu/research/participants/data/ref/h2020/other/experts_manual/methodology-for-expert-fees_en.pdf) [Link].