

## **Decision on how the European Commission dealt with the impact of the COVID-19 crisis on the work of researchers participating in the EU-funded Marie Skłodowska-Curie Actions (joint cases 1242/2020/SF and 1380/2020/SF)**

Decision

**Case 1242/2020/SF - Opened on 02/10/2020 - Decision on 01/07/2021 - Institution concerned** European Commission ( No further inquiries justified ) |

**Case 1380/2020/SF - Opened on 02/10/2020 - Decision on 01/07/2021 - Institution concerned** European Commission ( No further inquiries justified ) |

The complaints concerned the European Commission's decision not to extend funding for those carrying out research under the EU-funded Marie Skłodowska-Curie Action Programme (MSCA) following the impact of the COVID-19 crisis on the work of researchers. The complainants considered that the measures the Commission put in place to support MSCA researchers during the COVID-19 crisis were insufficient, as they would not enable them to continue their work.

The Ombudsman opened an inquiry into how the Commission communicated with project partners that received grants under the MSCA, and the researchers carrying out the work for those project partners, about the measures they could take to address the impact of the COVID-19 crisis on their projects.

During the inquiry, the Ombudsman shared her preliminary findings with the Commission. In particular, the inquiry showed that, overall, the Commission had taken appropriate action to communicate the measures that could be taken to support researchers according to the applicable rules. However, as no solution had been found for the complainants, she urged the Commission to explore whether additional funding could exceptionally be awarded to the complainants and researchers in similarly difficult situations.

The Commission broadly accepted the Ombudsman's preliminary findings but reiterated that, due to legal and financial constraints, it cannot provide any exceptional funding.

The Ombudsman appreciates the difficult situation faced by many MSCA researchers due to the COVID-19 crisis. At the same time, she acknowledges the Commission's commitment to find solutions within the applicable rules for those researchers impacted. While it is regrettable that a solution could not be found for the complainants and researchers in similar situations, the



Ombudsman closed the case as further inquiries would not result in a more satisfactory outcome for the complainants. However, she made two suggestions for improvement.

## Background to the complaints

1. The Ombudsman received two complaints concerning the European Commission's decision not to extend funding for those carrying out research under the EU-funded Marie Skłodowska-Curie Action Programme (MSCA) following the impact of the COVID-19 crisis on the work of researchers.

2. The MSCA is an EU-funded research fellowship programme, which is managed by the EU's Research Executive Agency (REA). It provides grants for all stages [1] of researchers' careers and in all domains of research. REA [2] signs a grant agreement with the project partners (known as 'beneficiaries' [3] ). This grant agreement sets out the maximum amount of funding the project can receive from the Commission. The grant covers the project partners' 'institutional costs [4] ' and staff costs [5] for the researchers they recruit.

3. Under the grant, the project partners are required to sign a separate recruitment agreement [6] with the researchers and use the staff costs to pay them. The project partners have to inform the recruited researchers of their rights and obligations and of the main points of the grant. Neither the Commission nor REA is a party to this separate agreement or has any other direct contractual relationship with the researchers.

4. The complainants considered that the measures [7] the Commission put in place to deal with the impact of the COVID-19 crisis on researchers were insufficient, as they did not enable them to continue their research. They claimed that despite the Commission's assurance that solutions had been found for a majority of researchers, many of them were still left without support. The complainants also raised concerns that the COVID-19 crisis had disproportionately affected female researchers.

5. A group of MSCA researchers also started an online petition asking the Commission for paid extensions. In addition, the Marie Curie Skłodowska Alumni Association [8] launched a survey ('MCAA survey' [9] ) to evaluate how the COVID-19 crisis had affected the researchers and what additional solutions could be found for them.

## The inquiry

6. The Ombudsman opened an inquiry into how the Commission communicated with the project partners that received grants under the MSCA, and the researchers recruited to carry out the related projects, about the options available to them, where the work on their research projects was affected by the COVID-19 crisis.



**7.** In the context of the inquiry, the Ombudsman's inquiry team met with representatives of the Commission and REA. The Commission and REA also provided the Ombudsman with documents showing how they had communicated with the project partners and the complainants about the issues raised in the complaints.

**8.** Following the meeting and assessment of documents the Commission and REA had provided, the Ombudsman issued her preliminary findings on the complaints and invited the Commission to reply. After the Commission had replied, the complainants provided their comments on the reply.

## Arguments presented to the Ombudsman

**9.** The complainants argued that without paid extensions or exceptional funding, they would be forced to either work unpaid or abandon their research altogether, which could affect their prospects for securing future funding and their careers.

**10.** They further claimed that several national funding bodies had provided paid extensions to researchers, and that they were therefore disadvantaged for having participated in a prestigious EU-funded project.

**11.** The Commission explained that paid extensions were not possible according to the rules governing MSCA grants. Grant agreements set out the maximum amount of the grant, which cannot be increased. Changing the maximum amount would not only affect the transparency and equal treatment of researchers in the grant award procedure, but would also call into question the initial decision to award the grant in the first place. Launching a new call for proposals to award additional funding would, for the same reasons, not be possible.

**12.** The Commission emphasised that it never encouraged unpaid work or unpaid leave. Rather, it insisted that researchers be paid even while they were unable to work due to restrictions in response to the COVID-19 crisis. This advice was communicated to project partners already at the end of March 2020, and was also published on the MSCA website, which is available to all researchers. The Commission pointed out that the researchers were paid during this time.

**13.** The Commission said that it had looked at what national funding bodies did to support researchers affected by the COVID-19 crisis. It said that many national funding bodies did not offer paid extensions, but instead offered more flexibility for the budgets of research projects or adapted the research schedules. Paid extensions were not automatic or straightforward and granted only on a case-by-case basis.

## The Ombudsman's preliminary findings

**14.** In her preliminary findings [10], the Ombudsman acknowledged the Commission's flexibility and the genuine efforts made so far to find solutions for the research community. She found



that, overall, the Commission and REA took appropriate action to communicate which measures could be taken under the MSCA grants to help researchers affected by the COVID-19 crisis.

**15.** However, the Ombudsman considered that the Commission never explained to the research community why it is not possible to grant paid extensions or exceptional funding.

**16.** The inquiry showed the Commission had made efforts to find solutions for the two complainants. REA 'project officers' answered questions raised and explained in general terms why a paid extension was not possible. They also contacted one of the complainant's project partners and, on several occasions, drew their attention to the possibility of pooling their unused institutional costs to support the complainant.

**17.** The Ombudsman was concerned that there might be many more researchers without a solution. She asked the Commission to consider providing a dedicated online platform for the research community. All those who were discouraged by their supervisors to reach out to the Commission or who simply did not know how to contact the Commission could raise the problems they were facing. She also encouraged the Commission to publish the outcome of the MCAA survey.

**18.** The Ombudsman noted that the Commission had exceptionally increased the budget for some grants, which are dedicated to help find solutions to the COVID-19 crisis. This exceptional increase was possible due to the exceptional emergency that the COVID-19 crisis itself constituted. She urged the Commission to make one final effort to seek to resolve the issues faced by the complainants and other researchers in similar situations, and asked the Commission to examine whether other projects could also benefit from this exceptional budget increase.

## **The Commission's reply**

**19.** The Commission welcomed the preliminary findings and expressed its commitment to offering flexible solutions to the research community within the legal and budgetary constraints.

**20.** The Commission considered that it already has well-established communication channels in place for researchers to raise any issues they might experience. These channels are set out in the respective information packages provided to project partners and researchers [11]. The Commission further stated that it updated and complemented its dedicated MSCA COVID-19 website to make all relevant information more readily accessible.

**21.** The Commission also published some results [12] related to the MCAA survey on the website and provided a link for researchers to fill in the survey.

**22.** In addition, the Commission launched a survey among the project partners to better understand the difficulties they have faced in the framework of their MSCA project. The initial results showed that the majority of participants considered that the proposed flexibility measures



were well communicated and that paying the researchers while they were not able to work on the project was an appropriate measure.

**23.** The Commission acknowledged that the Financial Regulation allows for grants to be awarded without a call for proposals where there is an 'exceptional and duly substantiated emergency'. This provision enabled the Commission to increase the budget of a small number of ongoing grants for research projects that could immediately contribute to tackling the COVID-19 crisis. However, this exception could not be used for granting paid extensions to MSCA researchers who have experienced disruptions due to the COVID-19 crisis. The Commission also stated that it did not have the necessary budgetary resources to offer paid extensions to all those affected and explained that, under the principle of equal treatment, any such measure would have to apply to all ongoing MSCA projects as of March 2020.

**24.** Finally, the Commission agreed that the impact of the COVID-19 crisis on female MSCA researchers should be investigated, and stated that it would look into this issue and the best way to assess it.

## **The complainants' comments**

**25.** The complainants welcomed the Ombudsman's request that the Commission consider whether other projects could benefit from the exception allowing a budget increase.

**26.** They disagreed with the Commission's statement that there are well-established channels of communication, and claimed that the Commission's communication with them has been late, repetitive and unsatisfactory.

**27.** The complainants considered that the Commission has not fully considered the results of the MCAA survey, and that many researchers in similar situations to theirs are facing problems.

**28.** They further considered that the Commission's subsequent survey of the MSCA project partners should be published, along with an analysis.

**29.** The complainants argued that the exceptional budget increase for some projects showed that solutions were possible, and that the Commission was discriminating against those who do not work on COVID-19 related research. They asked the Commission to properly analyse this.

**30.** Finally, the complainants argued that there is considerable evidence that female researchers have been disproportionately affected by the COVID-19 crisis. They considered that the Commission's failure to take account of this and provide targeted support is therefore discrimination against female researchers.

## **The Ombudsman's final assessment**



**31.** The Ombudsman appreciates the difficult situation faced by many MSCA researchers due to the COVID-19 crisis. At the same time, she acknowledges the Commission's commitment to find solutions for the research community. While it is regrettable that a solution could not be found for the complainants and other researchers in similar situations, the Ombudsman accepts the Commission's explanations as to why this is the case.

**32.** The Ombudsman appreciates that an exceptional budget increase is not possible within the legal framework of the MSCA. The Commission has provided an adequate explanation of the legal and budgetary constraints. The Commission also adequately explained why increasing the budget was exceptionally justified in a few specific cases whereas a general budget increase for all projects is not. In particular, these cases concerned research projects that could help provide solutions to the COVID-19 crisis. However, these researchers were not awarded more funding than originally foreseen for their existing projects: the exceptional increases to the MSCA budget covered funding for research aimed at responding to the issues in the context of the COVID-19 crisis. As the situation of the projects that received additional funding was different from that of MSCA researchers in general, this cannot be considered to be discrimination.

**33.** The Ombudsman acknowledges that the complainants consider that the MSCA programme should receive some of the EU recovery funds, which are aimed at supporting those impacted by the COVID-19 crisis. While the Ombudsman agrees that research is of utmost importance, it is not her role to assess the EU's budgetary policy.

**34.** Regarding the Commission's efforts to communicate with researchers in relation to the problems that they face, while the Commission did not follow her suggestion to provide a dedicated online platform for the research community, it provided guidance on how to use the existing channels. The Commission has updated the FAQ and the dedicated MSCA COVID-19 website. [13] On these websites, researchers can find guidance and links to documents and to other websites with further information. There are also instructions on how to directly contact the relevant REA project officer. However, these instructions depend on the specific MSCA programme. [14] While some researchers will be able to find the project officer's contact details, others will have to ask their supervisors for them. The Ombudsman is concerned that some researchers may not be able to raise their problems directly with the Commission. She will make a suggestion for improvement in this regard.

**35.** The information provided on the dedicated MSCA COVID-19 website shows that, following its survey, the MCAA recommended that the Commission take the following actions: (1) provide clearer support channels and complaint systems to allow researchers to report issues that cannot be resolved with the project partners; (2) provide additional guidance on repurposing unspent institutional costs; and (3) analyse the reported cases of difficulties and why the issues have not been resolved. The Ombudsman considers that the Commission has taken these actions. It has provided all the relevant information on the dedicated MSCA COVID-19 website; it has provided guidance on how to repurpose unused institutional costs; and it has contacted the researchers who reported difficulties.

**36.** One of the complainants claims that a solution was not found to their problem. The



Ombudsman notes that the Commission contacted the complainant and explained the measures that were possible within the legal and budgetary context. Regrettably, a financial solution in the form of a paid extension is not one of them, for the reasons set out above.

**37.** While acknowledging the Commission's commitment in this unprecedented situation, the Ombudsman encourages the Commission to continue its efforts to find solutions for the research community.

## Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

**Given the unlikely prospects of obtaining a more satisfactory outcome for the complainants and other researchers in similar situations, no further inquiries are justified.**

The complainants and the Commission will be informed of this decision .

## Suggestions for improvement

- 1. The Commission should consider publishing the result of the MSCA 'project partner survey'.**
- 2. The Commission should consider providing all researchers with the possibility to contact the project officer directly without having to ask their respective supervisors.**

Emily O'Reilly European Ombudsman

Strasbourg, 01/07/2021

[1] From doctoral candidates to highly experienced researchers.

[2] On behalf of the Commission.

[3] The project partners are mostly universities, research centres and companies established in a Member State of the European Union.

[4] Institutional costs consist of the project partners' research, training and networking costs, as well as management and other indirect costs.



[5] Staff costs consist of a monthly living, mobility and family allowance and are directly linked to the duration of the project.

[6] An employment contract or similar. This contract must provide social security rights for the researchers.

[7] These measures include (1) using unused institutional costs to support the salary of researchers; (2) pooling of institutional costs among project partners to redistribute among their researchers; (3) part-time work; (4) absence of up to 30 days could be charged to the project; (4) accept delays or unfinished projects.

[8] The MCAA is a global network of current and past researchers who took part in projects under the MSCA programme.

[9] <https://www.mariecuriealumni.eu/news/mcaa-ncps-survey> [Link]

[10] The full text of the Ombudsman's preliminary findings is available at:  
<https://www.ombudsman.europa.eu/en/correspondence/en/136428> [Link]

[11]  
<https://ec.europa.eu/research/mariecurieactions/about-msca/covid-19-information/guidelines-fellows-and-project-co>  
[Link]

[12]  
<https://ec.europa.eu/research/mariecurieactions/about-msca/covid-19-information/survey-covid-19-impact-outcomes>  
[Link]

[13]  
<https://ec.europa.eu/research/mariecurieactions/about-msca/covid-19-information/guidelines-fellows-and-project-co>  
[Link]

[14] Researchers in the MSCA Individual Fellowship Programme can find the direct contact details whereas researchers in the other programmes have to ask their coordinator for them.