

## **Decision of the European Ombudsman on complaint 1510/2014/PL against the Research Executive Agency (REA) concerning the rejection of an application for funding**

Decision

**Case 1510/2014/PL - Opened on 01/10/2014 - Recommendation on 22/10/2015 - Decision on 17/08/2016 - Institution concerned** European Research Executive Agency ( Draft recommendation accepted by the institution ) |

The case concerned the rejection of an application for a Marie Skłodowska-Curie fellowship on the grounds that the person applying for the fellowship had done an internship in a particular private company.

The Ombudsman inquired into the issue and recommended that, when the Research Executive Agency identifies possible irregularities in a procedure for selecting research fellows for an EU-funded project, it should carry out a proper and timely investigation into the matter with a view to remedying the situation.

The Ombudsman is now satisfied that the REA has accepted her recommendations. She has therefore closed the case.

## **The background**

1. The complainant applied for a fellowship position in 2014 in the context of a project funded by the EU and managed by the Research Executive Agency (REA). The project organisers offered him a position. A few days later, the fellowship supervisor informed the complainant that the Scientific Board of the project had rejected his application. The Scientific Board concluded that, "after consultation with Marie Curie advisors in Brussels" (that is, REA), his past work for a company (the Company) was "ethically unacceptable" for three reasons: (i) there was an ongoing court case between members of the project team and the Company, (ii) the Marie Curie scheme did not allow any links to private companies that may be in litigation with companies or staff working on Marie Curie projects; and (iii) the Company was internationally known to be a "questionable" company.

2. The complainant appealed the Scientific Board's decision. He pointed out that he had worked



as an intern in the Company and that he should not be treated as a "former employee" of the Company. He also stated that he had no current links with the Company. He added that the internship in question was funded by the EU. [1] When the project manager confirmed that his application was rejected, the complainant turned to the REA.

3. The REA replied that it was not involved in the selection of research fellows.

4. The complainant was not satisfied with REA's response. On 26 August 2014 he turned to the Ombudsman. [2]

**Allegation that the Agency failed to ascertain that the responsible entities had carried out a fair and transparent selection procedure and the related claim**

## The Ombudsman's recommendation

5. Having examined the arguments put forward by the parties, the Ombudsman concluded that the REA had failed to fulfil its general duty to supervise projects it funds. However, at this stage the complainant had informed the Ombudsman that his circumstances had in the meantime changed and that he no longer wished that his application be reconsidered. Thus, the Ombudsman considered that it was not possible to find a solution in this particular case. Nevertheless, in October 2015 the Ombudsman made the following recommendation to the REA:

*" When the Agency receives reliable information from third parties and identifies possible irregularities or inconsistencies in the recruitment procedure under grant agreements it funds, the Agency should carry out a proper and timely investigation into the matter with a view to ensuring that the recruitment of researchers by the particular grant recipient is conducted in a fair and transparent manner."*

6. In its reply, the Agency acknowledged its general responsibility to deal properly with complaints, including complaints from researchers. The Agency agreed with the Ombudsman that if it receives a sufficiently substantiated complaint about a selection procedure in a REA-funded project, it will treat the case with due diligence. The Agency described the procedure to be followed in such cases.

## The Ombudsman's assessment after the recommendation

7. The Ombudsman welcomes the Agency's positive response and its commitment to avoiding similar incidents in the future. Given the Agency's acceptance of her recommendation, and the fact that the complainant submitted no observations on the Agency's reply, the Ombudsman has decided to close the case.



## Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion.

**The Research Executive Agency has accepted the Ombudsman's recommendation.**

The complainant and the REA will be informed of this decision.

Emily O'Reilly

Strasbourg, 17/08/2016

[1] Lifelong Learning Programme Leonardo da Vinci,  
[http://ec.europa.eu/education/tools/llp\\_en.htm](http://ec.europa.eu/education/tools/llp_en.htm) [Link]

[2] For further information on the background to the complaint, the parties' arguments and the Ombudsman's inquiry, please refer to the full text of the Ombudsman's draft recommendation available at:  
<http://www.ombudsman.europa.eu/cases/recommendation.faces/en/61145/html.bookmark> [Link]