



EUROPEAN COMMISSION
RESEARCH EXECUTIVE AGENCY

Excellent Science
Acting Head of Department

Brussels
REA.A.1.002/ED

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Subject: Request for access to information (Ares(2020)5750868)

Dear Mr. Izrael,

We refer to your request submitted electronically to the Research Executive Agency (REA) on 8 October 2020 via the website AsktheEU. Your request was registered on 22 October 2020 under reference number Ares(2020)5750868 because it ended up in the spam functional mailbox. We apologise for this inconvenience.

In your request, you asked:

“Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001 and in Article 15 of the Treaty of the Functioning of the European Union (TFEU) , I am requesting documents which contain the following information:

- 1) Name and grant agreement number of projects where complaint letters were filed by any participants and received funding from the Marie Skłodowska-Curie actions.*
- 2) Nature of the complaints.*
- 3) Actions taken by the REA as a response to the complaints”.*

First, we would like to clarify the nature of your request.

Regulation (EC) No 1049/2001 applies to requests for access to existing documents, i.e. *“any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audio-visual recording) concerning a matter relating to the policies,*

activities and decisions falling within the institution's sphere of responsibility” (Article 3 of Regulation (EC) No 1049/2001).

Since your request relates to information that is not contained in existing documents and replying would involve compiling information from a number of different documents or sources, it can be qualified as a request for information to be processed in accordance with the Code of Good Administrative Behaviour.

Concerning the requested information, please note the following:

- 1) Regarding the name and the grant agreement number of the projects funded under the Marie Skłodowska-Curie actions where complaints were filed, we consider that this information cannot be disclosed to third parties to protect the legitimate interests of confidentiality.

However, we can provide you with the table below including the number of complaints received by REA since January 2017, split per Marie Skłodowska-Curie action, in relation to the total number of grant agreements signed in the same period of reference.

MSCA Action	Complaints	Number of signed GAs since January 2017
ITN	49	630
IF	9	5465
COFUND	14	82
NIGHT	1	107

- 2) Regarding the nature of the complaints, we inform you that the complaints concern researchers that have claimed possible discrepancies in relation to the implementation of the grant agreement provisions.

In particular, complainants mainly allege possible breaches in connection with two categories of provisions:

- a. the provisions laying down the obligations of the beneficiaries towards the recruiting researchers, for example:
 - The obligation to recruit researchers following an open, transparent, impartial and equitable recruitment procedure;
 - The obligation to provide training to researchers and the necessary means for implementing the action;
 - The obligation to ensure that researchers are adequately supervised.

and

- b. the provisions laying down specific conditions for costs to be eligible, for example:
 - The full payment of Marie Skłodowska-Curie allowances for the benefit of researchers;

- The recruitment of researchers under an employment contract or other direct contract with equivalent benefits;
 - The full-time employment of researchers and their exclusive dedication to the project.
- 3) *Regarding the actions taken by REA as a response to the complaints*, please note that when REA receives reliable information from third parties on possible irregularities or inconsistencies in the recruitment procedures affecting the grant agreements it funds, the Agency carries out a proper enquiry to ensure that the grant agreement provisions have been complied with.

With this purpose, REA exchanges with the Coordinator of the project and/or with the concerned beneficiary, requesting further clarifications on the issues raised by the complainant.

The information received is carefully analysed by REA services and, if a breach of the grant agreement provision is established, REA may request the beneficiary/consortium to take corrective action if this is compatible with the specific situation.

Should a remediation be impossible, REA may decide to apply the relevant contractual measures (e.g., rejection of costs, reduction of the grant, etc.).

Yours faithfully,

(e-signed)

Jean-Bernard VEYRET