

## COMPLAINT ABOUT MALADMINISTRATION

Please read the section entitled 'How to complain' before filling out this complaint form.

Please continue on a separate sheet if necessary and enclose all the documents necessary to support your complaint.

1

First name: Ramon

Surname: Marimon

On behalf of (if applicable):

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2

Against which European Union (EU) institution or body do you wish to complain?

<input type="radio"/> European Parliament	<input type="radio"/> European Investment Bank
<input type="radio"/> Council of the European Union	<input type="radio"/> European Central Bank
<input checked="" type="radio"/> European Commission	<input type="radio"/> European Personnel Selection Office (EPSO)
<input type="radio"/> Court of Justice of the European Communities (*)	<input type="radio"/> European Anti-Fraud Office (OLAF)
<input type="radio"/> European Court of Auditors	<input type="radio"/> European Police Office (Europol)
<input type="radio"/> European Economic and Social Committee	<input type="radio"/> Other Union body (please specify)
<input type="radio"/> Committee of the Regions of the European Union	

(\*) Except in its judicial role.

3

What is the decision or matter about which you complain? When did you become aware of it?

**The selection -and recent closure of the- process for the post of "Principal Adviser in Directorate-General Research, Director Designate of the European Research Council Executive Agency (ERCEA) in Brussels" - COM/2009/2390 and COM/2009/10222.**

4

What do you consider that the EU institution or body has done wrong?

see below

5

What, in your view, should the institution or body do to put things right?

see below

6

Have you already contacted the EU institution or body concerned in order to obtain redress?

Yes (please specify)  No

see attached letter

7

If the complaint concerns work relationships with the EU institutions and bodies: have you used all the possibilities for internal administrative requests and complaints provided for in the Staff Regulations? If so, have the time limits for replies by the institutions already expired?

Yes (please specify)  No

8

Has the object of your complaint already been settled by a court or is it pending before a court?

Yes (please specify)  No

9

Please select **one** of the following two options **after having read the information in the box below:**

- Please treat my complaint publicly  
 I require that my complaint be treated confidentially

10

Do you agree that your complaint may be passed on to another institution or body (European or national), if the European Ombudsman decides that he is not entitled to deal with it?

Yes  No

Date and signature:

November 5, 2010

Ramon Marimon



Complaints to the European Ombudsman (and any annexed documents) are normally dealt with publicly.

'Dealing publicly' with a complaint means that any member of the public may have access to the complaint and its annexes. If the Ombudsman opens an inquiry, the opinion of the institution or body concerned on the complaint, any observations on the opinion made by the complainant, as well as other documents mentioned in Article 14 of the Implementing Provisions (available on the Ombudsman's website) are public documents to which any member of the public may have access on request. The Ombudsman's decisions on complaints are published on his website with the complainant's name removed. Some are also published in full, or in summary form, in hard copy and electronic formats. These publications do not include the complainant's name or address.

A complainant has the right to request that his or her complaint be dealt with confidentially. If confidentiality is requested, there is no public access to the complaint or to the other documents mentioned above. However, even a confidential complaint must be sent to the Union institution or body concerned, if the Ombudsman begins an inquiry. The Ombudsman's decisions on confidential complaints are published on his website, after the removal of any information which could lead to the identification of the complainant. This information is also removed if the decision is published in full, or in summary form, in a hard copy or electronic format.

Complaints to the Ombudsman may contain personal data relating to the complainant, or to a third party. The processing of personal data by the European Ombudsman is governed by Regulation (EC) No 45/2001<sup>(1)</sup>. Unless the complainant requests confidentiality, he or she is understood to consent for the purposes of Article 5 (d) of Regulation (EC) No 45/2001 to the Ombudsman dealing publicly with any personal data which the complaint may contain.

<sup>(1)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

## The European Ombudsman

### COMPLAINT ABOUT MALADMINISTRATION

by Ramon Marimon (November 5, 2010)

4. The European Commission, after the pre-selection process, has:
  - a. allowed external intromissions and pressures aimed at ending the process without an appointment; pressures such as requests for me to withdraw, after I had been pre-selected as one of the three final candidates;
  - b. not replied to my letters complaining about the irregularities of the process and requesting explanations; in particular, my (20/09/2010) letter to the DG of Research, Robert-Jan Smits;
  - c. not been transparent. In particular, it has implicitly pursued (or endorsed) a change of policy with respect to the one stated in the communication COM(2009) 552 and in the basis of the call. To implement this change of policy, entailing maintaining the current governance structure, the selection process needed to fail, which is what has happened; an ending to the process that could hardly be reached without the consent of those responsible for the ERCEA within the European Commission.
5. Even if the main costs that this maladministration has generated cannot be recovered, still the EC can:
  - a. publicly apologize for the personal costs that it has generated;
  - b. provide the explanations requested in my letters (the 20/09/2010 mentioned, and the 19/11/2010 to Commissioner Máire Geoghegan-Quinn);
  - c. publicly explain why such an important and competitive selection process has failed in making an appointment and state if there has been a change of policy that justifies closing the process without an appointment and subsequently keeping the current governance structure of the ERCEA, contrary to what in 2009 the ERC Review Panel recommended and the Commission endorsed.