

Complaints Mechanism - Complaints Mechanism - Complaints Mechanism - Complaints Mechanism

APPLICATION EIB PRIZE
Germany

Complaint SG/G/2013/03

CONCLUSIONS REPORT

9 December 2013

Prepared by

Complaints Mechanism

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External Distribution
Complainant:

Internal Distribution
Management Committee
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The EIB Complaints Mechanism

The EIB Complaints Mechanism intends to provide the public with a tool enabling alternative and pre-emptive resolution of disputes in situations where members of the public feel that the EIB Group did something wrong, i.e. if they consider that the EIB has committed an act of maladministration. When exercising the right to bring a complaint against the EIB, any member of the public has access to a two-tier procedure, one internal – the Complaints Mechanism Division (EIB-CM) – and one external – the European Ombudsman (EO).

Complainants that are not satisfied with the EIB-CM's reply have the opportunity to submit a confirmatory complaint within 15 days of the receipt of that reply. In addition, complainants who are not satisfied with the outcome of the procedure before the EIB-CM and who do not wish to make a confirmatory complaint have the right to bring a complaint of maladministration against the EIB with the European Ombudsman.

The European Ombudsman (EO) was "created" by the Maastricht Treaty of 1992 as an EU institution to which any EU citizen or entity may appeal to investigate any EU institution or body on the grounds of maladministration. Maladministration means poor or failed administration. This occurs when the EIB Group fails to act in accordance with the applicable legislation and/or established policies, standards and procedures, fails to respect the principles of good administration or violates human rights. Some examples, as set by the European Ombudsman, are: administrative irregularities, unfairness, discrimination, abuse of power, failure to reply, refusal to provide information, unnecessary delay. Maladministration may also relate to the environmental or social impacts of the EIB Group activities and to project cycle related policies and other applicable policies of the EIB.

The EIB Complaints Mechanism intends to not only address non-compliance by the EIB to its policies and procedures but to endeavour to solve the problem(s) raised by Complainants such as those regarding the implementation of projects.

For further and more detailed information regarding the EIB Complaints Mechanism please visit our website: <http://www.eib.org/about/cr/governance/complaints/index.htm>

CONCLUSIONS REPORT

EXECUTIVE SUMMARY

The complaint concerns the alleged refusal of the EIB Institute to admit the paper of [redacted] from Bretten in Germany, for the 2013 EIB Prize competition for excellence in economic and social research.

On 13 April 2013, the Complainant in this case asked the EIB Institute's info-address for an address to submit his paper, prompted, so it seems, by an automatically generated reminder by the European Economics Association for generating nominations for submitters for the EIB Economics Prize.

The rules for the EIB Economics Prize are unequivocal in that submitters must be nominated before submitting a paper, that self-nominations are not permitted, that nominations for submission can only be done electronically and that the deadline for nominations/submissions of papers was 15 April 2013.

Alleging the EIB Institute to not responding to his email requests, the complainant pursued his series of mails to the EIB Institute with repeated messages that he was to be nominated by [redacted] who was identified, through a Google-search, as Associate Professor of Economics at [redacted]. The complainant repeatedly asserted that it was incomprehensible that his nomination had not been received by the EIB Institute despite [redacted] assurances that she supported him. The complainant alleged the EIB IT systems failed to provide the adequate connections and/or the IT systems having failed to adequately deliver the mails of his Professor. In mails and letters continuing to June 2013 and up to the EIB President, the complainant protested the fact the he could not be blamed for the Bank's IT-system's failure to deliver his Professor's nomination and that he could not therefore, in reason, be held responsible for not being allowed to compete.

In his complaint to the President, of 4 July 2013, the complainant demanded that the Bank's IT systems be tasked to find out and remedy the failing mail-delivery systems of his Professor's mail and that the complainant be allowed to compete in the EIB Prize contest, despite the deadline having passed. In his last email, he thanked the President for his repeated direct messages to him, the complainant, encouraging him to compete.

The EIB-CM investigation, in collaboration with the Bank's relevant services, found no trace of any mail from Professor [redacted] or any similar or linked, even LinkedIn, identity. On the other hand, every-one of the complainant's mail-messages are accounted for on the EIB's outside email log. Hence, there appears to be no general blockage for mails to the EIB Institute's various addresses on the issue of the EIB Prize. The President's office confirmed that no direct mail, or other, contact has been sought or answered from or with the complainant.

In conclusion, the EIB-CM found no grounds for the complainant's allegations that the EIB IT systems have failed to deliver or withheld his mails, blocking his timely nomination by Prof [redacted] his submission of his paper for the EIB Prize competition. The EIB also found no grounds for admitting maladministration by the EIB Institute in not allowing the complainant to compete in the EIB Prize competition.

CONCLUSIONS REPORT

Application EIB Prize

Complainants: [REDACTED] (the complainant)

Date received: 31.07.2013

1. SUMMARY OF ALLEGATIONS

Unfair refusal of an application for the EIB Prize competition:

The complainant alleges to have submitted a contribution to the EIB Prize within the set deadlines, with the provision that the required nomination by his University Professor for his nomination would follow. The complainant alleges that, at various instances, he submitted his contribution electronically but that he never received an adequate reply and that the rejection of his paper, which was finally received by the EIB Institute, albeit after the deadline, was unjustified. The complainant further claims that his nomination for the EIB Prize competition by his University Professor was equally badly handled, possibly by the EIB IT services and that his late submission of his paper and the missing nomination by his University Professor was not his fault.

2. CLAIM

The complainant demands:

- That the EIB IT Department be tasked to clarify and clear up the missing submissions of his paper prior to the end of the deadline for submission as well as the missing electronic nomination by his University Professor on 'our' website.
- That his paper be considered in the competition despite exceeding the submission deadline.

Due to the fact that the 2013 EIB economics prize has meanwhile been awarded in a prize-giving ceremony in Warsaw on 19 September, the EIB-CM will handle the second claim as an allegation into maladministration of the EIB Institute.

3. THE EIB PRIZE

3.1 The EIB Prize is an economics award created by the EIB Institute to recognise and stimulate excellence in economic and social research, in theory and practice. Two prizes will be awarded annually an "Outstanding Contribution Award" of EUR 40 000 and a "Young Economist Prize" of EUR 25 000.

- 3.2 Any researcher can be nominated for his or her life-time scientific contribution on the prize's topic¹, self nominations are not accepted. Nominees for the *Outstanding Contribution Award* can be considered for a lifetime scientific contribution of specific relevance, for the *Young Economist Prize* nominees should be under the age of forty and have published influential research and/or a significant contribution to economic thought and knowledge that is of specific relevance or demonstrates great promise. Both prizes are open to all economists, with no distinction regarding nationality or place of work.
- 3.3 Nominations can be submitted between 1 February and 15 April 2013 electronically, only electronic nominations will be accepted. The submission must include your contact details, a brief motivation statement and a copy of, or link to, the candidate's CV. The laureates will be selected by a jury composed of distinguished scholars and chaired by Professor C. Pissarides.

4. BACKGROUND OF THE COMPLAINT AND METHODOLOGICAL ASSESSMENT

4.1 Background

In a letter to the President of 4 July 2013 the complainant brought his complaint against the decision of [redacted] Dean of the EIB Institute, to not allow his paper to enter the EIB Prize's 2013 competition. In his letter the complainant asserted the fact that his Professor's nomination had not been received by the Institute, despite the assurances from her side that she supported his participation in the competition and would have tried to submit her nomination of the complainant for the EIB Prize competition, must be due to technical failures. The complainant felt that he cannot, with reason, be held responsible for what, to the complainant's mind, must be technical errors that have caused the nomination by his Professor not to have reached the EIB Institute. In his complaint, the complainant submits to the President the decision on whether he should be allowed to compete after all, saying that it "*seems not unlikely that the respective paths of him and the President might cross again in the future*" and that he, the complainant, "*as a former Investment banker, pays taxes in the higher tax-bracket in Germany*"².

4.2 Methodological Assessment

- 4.2.1 The EIB Complaints Mechanism (EIB-CM) acknowledged receipt of the Complainants' complaint on 14 August 2013, and informed the complainant that the EIB-CM was carrying out a review of the complaint, indicating the date by which he might expect to receive an official reply from the EIB-CM. Due to time required to contact the complainant and the workload of the EIB-CM and in line with article 11.10.02 of the EIB Complaints Mechanism Policy, the deadline was extended in a further letter to the complainant on 10 October 2013.
- 4.2.2 On 2 and on 3 October the EIB-CM attempted to establish a contact by telephone with the complainant in order to update him on the complaint handling and to gain further information on a personal basis. The complainant declined by email to enter into telephonic contact, claiming chronic "Tinnitus" making pain-free telephone conversations impossible.
- 4.2.3 The EIB-CM reviewed the correspondence of the complainant with the EIB Institute and the log of incoming mails into the EIB IT system.

¹ For 2013: "Growth, Employment and Convergence with Applications to the European Union"

² EIB-CM translation of quote from the complainant's correspondence.

4.2.4 The information collected was considered sufficient to form an opinion on the allegations advanced by the complainant and assess whether maladministration by the EIB had occurred. The key findings and conclusions are presented below.

5. FINDINGS AND CONCLUSIONS

5.1 Details of the allegation of unfair dismissal of the complainants submission of his participation in the EIB Prize:

- 5.1.1 On 13 April 2013 the complainant sent an e-mail to events.eibinstitute@eib.org in which he enquired to which address he could send his article for the EIB Prize competition, saying that he "should be nominated already". An attachment to his email, or forwarded email, is an "automatically generated message" sent by news@eeassoc.org entitled "Calls for nominations – European EIB-Prize REMINDER" with a summarised outline of the parameters of the prize as described in § 3 with links to the EIB Institute website with the required information pages and submission forms for the Prize competition.
- 5.1.2 On 29 April, the complainant replied to the EIB-Institute's information of April 2013 that the EIB-Institute had received no nomination mail nor any other mail from Prof. that his Professor told him that she had had experienced internet problems when she had tried to nominate him (the complainant). In that mail the complainant said that "as you, the Institute got no nomination now it is possible to nominate me afterwards please? I have already an article ready for the competition which I wanted to send you on the 13th of April".
- 5.1.3 On 30 April, the EIB Institute answered that, as the deadline for the submissions had expired on 15 April, it could no longer accept nominations. The EIB Institute pointed out that there will be a second edition of the EIB Prize next year.
- 5.1.4 On the same day the complainant replied and alleged for the first time that it was not his fault that his nomination went wrong as his mail of 13 April was left unanswered for two weeks. He denied the possibility that the EIB Institute had not received his mails and he alleged web-site problems being the cause of his Professor's failure to nominate him. He again asked to be allowed to be nominated and participate.
- 5.1.5 On 3 May 2013, of the EIB Institute sent a message saying that late entries for the EIB Prize competition cannot be accepted and expressed her concern for the problems that the complainant's Professor had experienced with electronic submission of his nomination. These problems might have been solved had she contacted the Institute before the deadline, which she had not.
- 5.1.6 On the same day the complainant rejected / concern about Professor option to help with alleged mal-functioning of the electronic submission by a brief contact with the Institute. The complainant was of the opinion that it was not his duty to solve the problems with the nomination and that the Institute could not ignore the mails of the complainant on the grounds that Prof. should have herself nominated him. He again alleged that it is not his fault the fact that the EIB had internal problems with receiving emails.

- 5.1.7 On 4 May 2013, the complainant sent a 4 ½ line abstract of his article entitled "*The Optimal Fertility Rate Formula for Better Growth Rates*" to [redacted], asserting that he fails to understand what could be the problem of nominating him after the deadline, that his article was written especially for the competition and that she would not regret allowing his participation.
- 5.1.8 On 19 May 2013, the complainant sent an email that he had not heard from [redacted] recently, once more asserting his right and expressing his confidence that he will win the competition.
- 5.1.9 On 21 May 2013, the complainant submitted his full paper to the President together with an extensive argumentation about why he should have been invited to participate in the EIB Institute prize competition after all, alluding to frequent email traffic from the President to the complainant.
- 5.1.10 On 24 June 2013, the Dean of the EIB Institute replied to the letter from the complainant to the President of 21 May 2013 outlining that self nomination for the EIB Prize is not an option and that any candidate must be nominated. Moreover, the EIB Institute cannot accept applications for the EIB Prize after the deadline and only electronic nominations are accepted. The Dean argued moreover that the EIB Institute is bound by its rules and cannot make any exceptions. As the Institute did not receive any nomination for the complainant for either the *Outstanding Contribution Award* or the *Young Economist Prize* by the 15 April deadline, the complainant had not been considered for any of the two awards.
- 5.1.11 On 4 July 2013, the complainant submitted his formal complaint to the President (see § 4.1).

5.2 The EIB-CM's Findings

- 5.2.1 On the EIB Institute's website, the eligibility criteria for candidates for the EIB Prize <http://institute.eib.org/programmes/knowledge-2/eib-prize/> are clearly described and the process for competition is clearly one of '*nominations that should be submitted*' and '*criteria for nominees*' that are outlined. The rules for the nomination clearly state that '*Only electronic nominations will be accepted*' and are, furthermore, obviously addressed to persons nominating candidates for the EIB Prize, candidates to the Prize are basically only referred to in the third person. "*The submission must include your (the nominating person's) contact details,, the candidate's CV*" etc., the nominating-candidate is clearly set up as a one-on-one nominator-candidate relationship, with the initiative on the nominator's side.
- 5.2.2 [redacted] was identified, through a Google-search as Associate Professor of Economics at International University [redacted] with a "LinkedIn-identity" <http://www.linkedin.com/pub>.
- 5.2.3 From researches undertaken by the EIB-CM, no incoming email traffic to any part of the EIB email system has been identified from Prof. [redacted] International University or from her LinkedIn identity since 10 April.
- 5.2.4 However, the EIB-CM did find log-traces for all incoming email messages from the complainant as detailed in § 5.1 but not of any other incoming mails.

- 5.2.5 The EIB-CM attempted, unsuccessfully, to contact the complainant at his telephone number in Bretten, in [redacted]. Upon the EIB-CM's request by email that he, the complainant, should indicate an appropriate moment when the EIB-CM could reach him at his given or any other telephone number, the complainant answered that he could not communicate by telephone as he was suffering a "Tinnitus" which made listening to a telephone conversation impossible.
- 5.2.6 By email the EIB-CM asked whether, by way of confirmation of the information provided by the EIB Institute, the complainant could provide any further documents or proof of contact with the EIB or the EIB Institute. However, no elements or evidence of communication between the complainant and the EIB or the EIB Institute other than the elements outlined in § 5.1 and confirmed by the EIB services could be provided.

5.3 EIB-CM Conclusions

- 5.3.1 It appears as if the complainant had been reminded or triggered by an automatically generated email message of 10 April from The European Economic Association calling for ***nominations*** (emphasis added) of candidates for the European Investment Bank's "new Prize in Economics", to be awarded annually etc. etc. sent by news@eeassoc.org, to submit his candidature for the said prize according to his email to events.eibinstitute@eib.org asking where he could send his article to.
- 5.3.2 On the complainant's reminder of his email of 13 April, dated 29 April, in which the complainant introduces Mrs. Prof. [redacted] as his supposed nominator, the EIB Institute replies that no nomination, no email, has been received from or on behalf of Prof. Dr. [redacted]. The review of the EIB-CM of the EIB's email log confirm that no mail has been received or any incoming email traffic to any part of the EIB email system has been identified from Prof. [redacted] International University (e.g. [redacted] and [redacted]) or from her LinkedIn identity.
- Moreover, on 30 April the EIB Institute informed the complainant that, as the submission deadline for nominations had expired on 15 April, the EIB Institute could no longer accept other nominations.
- 5.3.3 The EIB-CM concludes that in the start of the correspondence above and the ensuing correspondence from the EIB Institute, up to the letter of 24 June of the EIB Institute's Dean as well as in the EIB Institute's Prize's published rules on the website, there has been no misunderstanding possible that candidates for either of the two EIB Prizes, the "*Outstanding Contribution Award*" or the "*Young Economist Prize*" must be nominated before submitting material (no self-nominations will be admitted) and that only electronic nominations are accepted and that subsequently submissions of articles are only admitted electronically.
- 5.3.4 In his allegations, the complainant has consistently brought forward that the failure of his Professor to submit his nomination to the EIB Institute must be sought in electronics' failures and he proceeds, in the end, to submit his 4 ½ line Abstract of his article and finally his full article by hard copy mail to the President.

³ The complainant provides a telephone number in Bretten,

and a Fax n° with an area code for

- 5.3.5 To the allegations that the complainant had failed to submit his before the end of the deadline for the competition due to problems in the electronic mail systems of the Bank, the EIB-CM finds no grounds, as, on basis of the rules of the competition, the complainant was not allowed to submit his own paper without prior nomination.
- 5.3.6 To the connected allegation that his Professor had failed to connect to the Bank's, or the Institute's, webpage for the nomination, the EIB finds this unlikely given the fact that the EIB incoming mail-log has not failed to register on of the mails described by the complainant that he had sent and has not registered on mail from Prof. [redacted], International University or from her LinkedIn identity.
- 5.3.7 Moreover, Prof. [redacted], has never communicated with the EIB, or with the EIB Institute, mentioning her intention of nominating the complainant, claiming to have done it in the past or complaining about the EIB IT systems.
- 5.3.8 In spite of the complainant's allusions to the invitation of the EIB President himself, "*by repeatedly emailing me...*", in his letter of 21 May 2013, the President's office has not replied to the complainant and the President has not contacted him.
- 5.3.9 Overall, the EIB-CM therefore concludes that the complaint of the complainant in this case has no grounds and that the EIB Institute committed no maladministration in no longer replying to the complainant as the allegations of the complainant could be justifiable termed inappropriate and repetitive, according to Article 12, § 4 of Bank's Code of good administrative behaviour for the staff of the European Investment Bank in its relations with the public.

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9 December 2013

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