

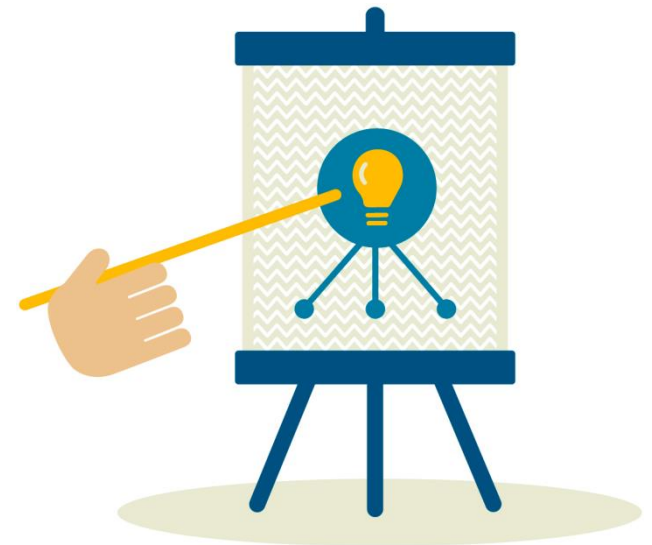
# Complaints

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Project maintenance and repair: from  
selection to monitoring

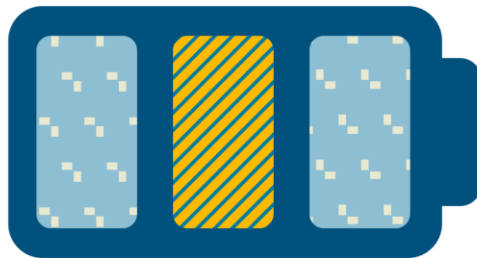
14-15 June 2018 | Rome, Italy

**Katja Ecke, Interact**



# Complaints procedures in Interreg

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# Background

## Background

- legal references:
    - CPR, Article 74 - Responsibilities of **Member States**
- 3. Member States shall ensure that **effective arrangements for the examination of complaints concerning the ESI Funds are in place**. The scope, rules and procedures concerning such arrangements shall be the responsibility of Member States in accordance with their institutional and legal framework. Member States shall, upon request by the Commission, examine complaints submitted to the Commission falling within the scope of their arrangements. Member States shall inform the Commission, upon request, of the results of those examinations.*

# Challenges

## Challenges

- Member State/managing authority
  - Automatic limitation?
- Which legal body takes the final (formal, legally-binding) decision?
- What are the grounds?
  - technical-formal failures
  - opinion

# Challenges (cont.)

## Challenges

- For what?
  - eligibility/admissibility of project
  - eligibility/admissibility of project partner
  - funding decision (project not approved)
  - eligibility of expenditure
  - ??
- Where does a question end and a complaint begin?
- Resources needed?

# Member State vs managing authority

## Responsibilities

- Limited for MA to “their” decisions
  - Funding decision, eligibility of project
  - Everything else most likely to be addressed at national level (= Member State)
  - Member States: everything linked to their territory (e.g. Eligibility of expenditure, eligibility of project partner)

## Important

- Complaints launched against a legal body - monitoring committee is not a legal body → managing authority
- Legal link between managing authority and project

## **(usual) steps**

1. programme establishes complaint procedure (management and control system), including complaint panel
2. Communicates the procedure (e.g. web-site, programme manual, decision-communication)
3. addressee(!) of the legally-binding decision submits complaint to MA
4. MA conducts technical examination of complaint (admissible or not)

# Practical approach

5. if yes, sends to complaint panel.
6. complaints panel reviews complaint (not decision), and decides if complaint is justified (yes/no)
7. if yes, issue referred back to decision making body (e.g. monitoring committee) for review
8. NB: complaints panel does not review the decision, only complaint



# Example – Interreg Ireland - Northern Ireland - Scotland

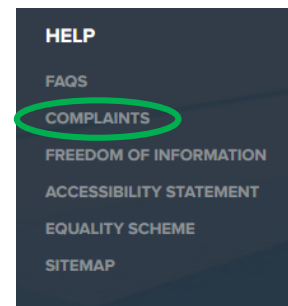
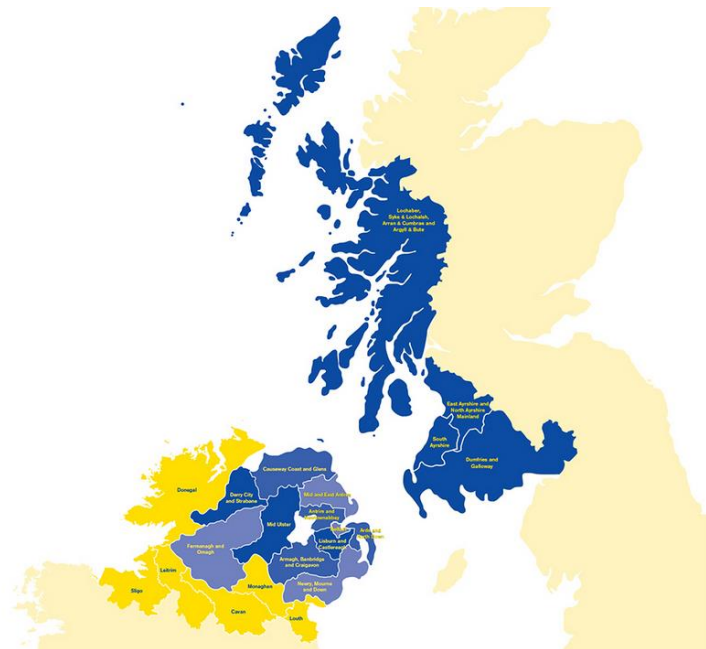
## Complaint procedure by MA (SEUPB)

- Not limited to Interreg, process at organisational level
- 3 levels

<https://www.seupb.eu/complaints-procedure>

[https://www.seupb.eu/sites/default/files/inline-files/Complaints\\_Procedure.pdf](https://www.seupb.eu/sites/default/files/inline-files/Complaints_Procedure.pdf)

<https://seupb.eu/contact/complaints>



Easy to find on website

# Example – Interreg Ireland - Northern Ireland - Scotland

## Areas for complaints

- Complaints relating to administrative services provided by MA.
- Complaints relating to a project funded with monies from any of the European Programmes for which the SEUPB is responsible. These are:
  - The PEACE IV and INTERREG VA Programmes from the current 2014-2020 funding period; or
  - The PEACE III or INTERREG IVA Programmes from the 2007-2013 funding period.

# Example – Interreg Ireland - Northern Ireland - Scotland

## Areas not eligible for complaints

- Matters fully investigated through SEUPBs complaints procedure.
- Complaints from organisations who have been rejected for funding or who feel that they have not received sufficient funding (Review Procedure)
- Project concerned falling outside of the remit of SEUPB
- Complaint more than 12 months after becoming aware of the problem.

# Example – Interreg Ireland - Northern Ireland - Scotland

## The steps

1. Complaint relates service provided by SEUPB, **telephone the individual from the relevant business area and discuss the issue.** Often a problem can be resolved by a simple telephone call.

OR

1. Complaint relates to European Programmes as a first step using complaints procedure of that organisation or that of its Lead Partner.
2. Not possible to discuss or resolve issue with relevant contact, **refer the complaint to SEUPB Complaints Officer**

# Example – Interreg Ireland - Northern Ireland - Scotland

## The steps

1. Acknowledge receipt of complaint within **5 working days**.
2. Take complaint seriously and consider the issues raised in a thorough and impartial manner.
3. If further investigation is required to resolve complaint, SEUPB will commit to provide a response within **8 weeks** of receipt of the complaint.
4. SEUPB will treat the complaint respectfully, sympathetically and courteously at all times.

# **Example – Interreg Ireland - Northern Ireland - Scotland**

## **Additional levels**

2. Not satisfied, complaint can be reviewed by Chief Executive Officer (similar timeline)
3. Still not satisfied, complaint can be addressed to relevant Ombudsman (specific procedure to be applied)

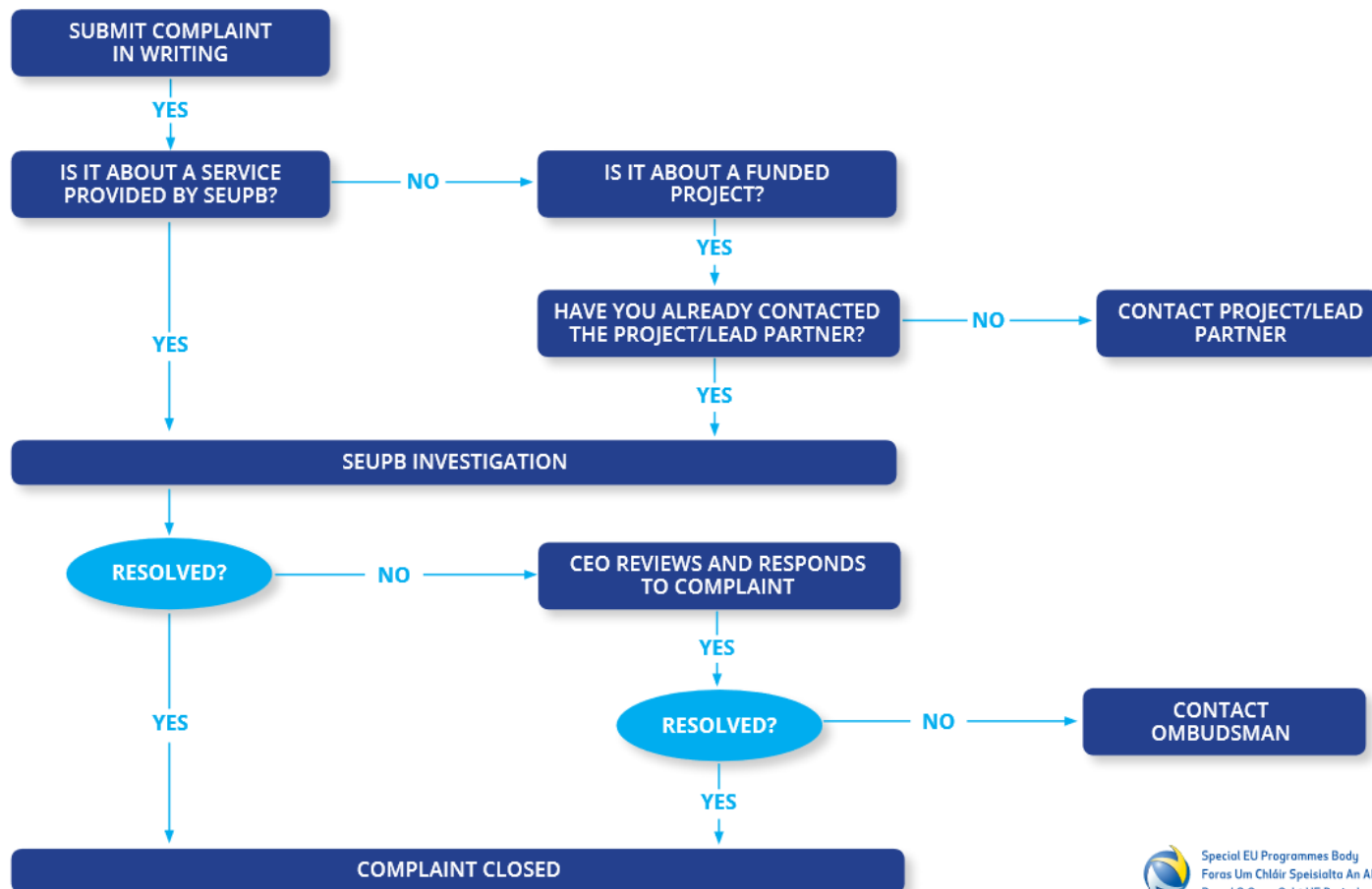
# Example – Interreg Ireland - Northern Ireland - Scotland

## Review Procedure

- Projects rejected for funding
- Review panel: MA (chairing) & MC & independent member
- Process – documented in detailed minutes
  - Registering interests/conflict of interests of panel members
  - Detailed review of issues (e.g. applicant felt that scoring was not reasonable: detailed review of each score concerned)
  - Conclusion (decision to be kept or not)

# Example – Interreg Ireland - Northern Ireland - Scotland

## SEUPB COMPLAINTS PROCESS





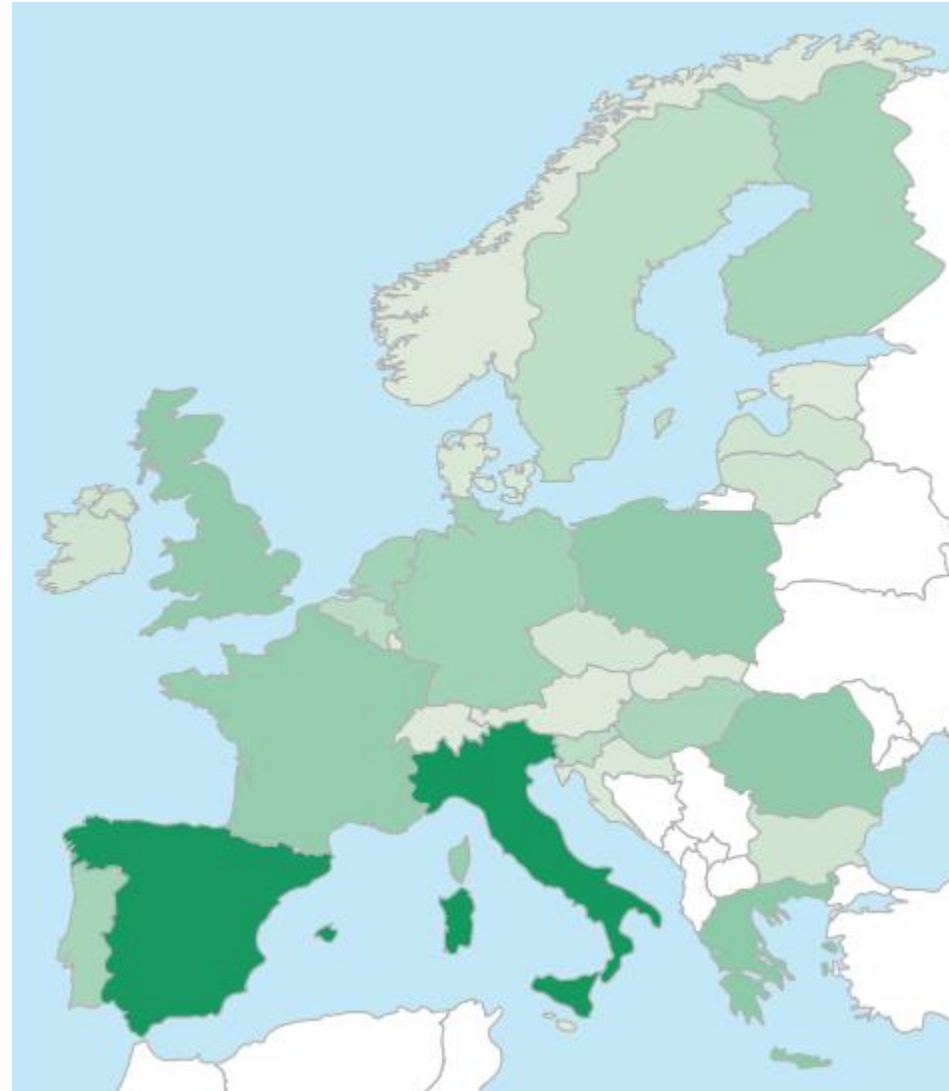
# Example – Interreg Europe

## Complaint procedure by programme

- Limited to programme
- 2 step approach

[https://www.interregeurope.eu/fileadmin/user\\_upload/documents/Call\\_related\\_documents/Interreg\\_Europe\\_Programme\\_manual.pdf](https://www.interregeurope.eu/fileadmin/user_upload/documents/Call_related_documents/Interreg_Europe_Programme_manual.pdf)

[https://www.interregeurope.eu/fileadmin/user\\_upload/documents/IR-E\\_Complaint\\_procedure\\_template\\_selection.docx](https://www.interregeurope.eu/fileadmin/user_upload/documents/IR-E_Complaint_procedure_template_selection.docx)



# Example – Interreg Europe

## Areas of complaints

- Funding decision
  - assessment does not correspond to information provided by lead applicant
  - assessment and selection process failed to comply with specific procedures in call publication and programme manual
- Implementation decisions taken by MA

# Example – Interreg Europe

## 2-step approach

- Step 1
  - Lead applicant/partner addresses MA/JS within three weeks after notification of decision
  - MA/JA examines and answers questions to help solve potential problems in an amicable manner

# Example – Interreg Europe

## 2-step approach

- Step 2
  - Official complaint (template) addressed to MA/JA (within 3 weeks)
  - Complaint examined and answered by complaint panel (previous, present and future chairs of the monitoring committee and the managing authority).
  - Funding decision: complaint panel may decide to refer back a complaint to the monitoring committee of the programme
  - Project implementation: Each party can go to court, place of jurisdiction is location of MA (France)

# Summary

- Regulatory requirement
- Clear communication to prevent complaints
- Procedures vary, but informal exchange before formal procedure seems good practice
- Transparency & communication on complaint procedure vary (e.g. to inform rejected applicants about complaint procedure)

# Further information

## Interact

- Interact factsheet on complaints procedure
- HARMONISED IMPLEMENTATION TOOLS FOR ETC PROGRAMMES –  
Complaints procedure according to Art. 74 (3) CPR

# Cooperation works

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All materials will be available on:

**[www.interact-eu.net](http://www.interact-eu.net)**