

Complaints procedure

Repository of Interreg programme management practices
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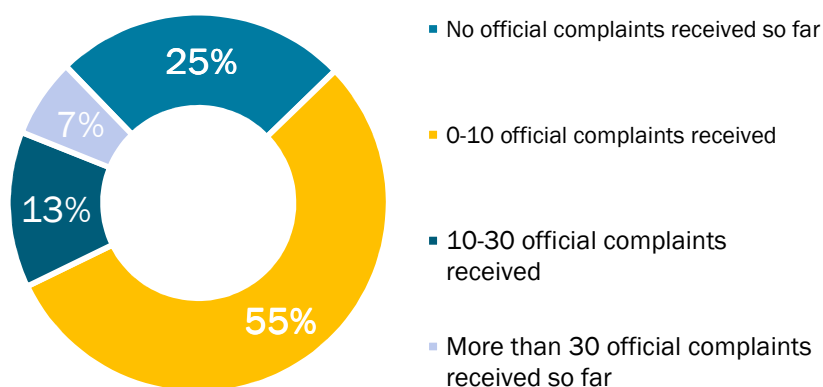
Background

According to Art. 74(3) CPR, A 'complaints procedure' is 'an effective arrangement for the examination of complaints concerning the ESI Funds'. The regulation states that Member States must ensure proper examination of complaints lodged by applicants/beneficiaries, but it does not specify any further details about the complaints procedure. According to the post-2020 draft regulatory framework, the procedure remains the same, which means the responsibility for setting up a complaints procedure lies with the Member States.

According to a study on complaints-handling systems¹ in ESI Funds, all Member States have to some extent standardised their complaints procedure in most of the programmes they manage. Complaints procedures in general have been developed during the current programme period, compared to the previous period (2007-2013). In the study referred to above, several aspects of these complaints procedures, like their visibility, remedy (correction of a decision), how well they were 'fit for purpose', their accessibility and responsiveness were ranked on an EU level as 'good'. Meanwhile, the timeliness of the process, possibility for a review of a decision, and their objectivity were ranked lower, which tells us that there is room for improvement in these aspects.

Interact has collected information from current Interreg Programmes², to find out more about how they are managing complaints.

Number of complaints received by Interreg programmes in the current programme period



¹ EC study on ESIF complaints-handling systems: https://ec.europa.eu/regional_policy/sources/docgener/studies/pdf/complaint_handling.pdf

² Interact conducted a survey for Repository of Interreg programme management practices. The survey was answered by 60 Interreg programmes.

So far, 80% of programmes have received up to 10 complaints during the current programme period.

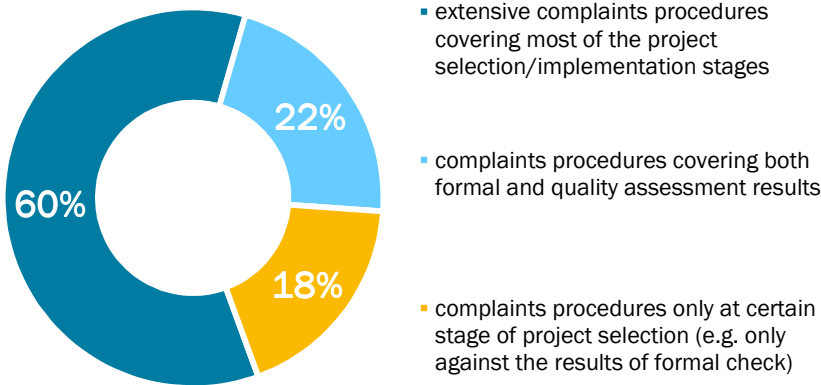
How do Interreg Programmes establish a complaints procedure?

In Interreg programmes, the programme-level complaints procedure is agreed on between the participating countries. The main aim is to settle complaints on a programme level, in order to avoid entering into a legal process. Many programmes confirmed that very few complaints enter into any kind of legal procedure managed by a national/regional court.

Usually, programme-level procedures are set up to manage complaints lodged against:

- result of the formal check (administrative and eligibility check) made by programme bodies
- result of the quality assessment
- set-up of assessment and selection procedures
- conditions for contracting set by the Monitoring/Selection Committee
- complaints on First Level Control decisions
- other implementation-related decisions

Complaints procedures set up on programme level by Interreg programmes



What are the main features of complaints procedures in Interreg?

Complaints procedures on programme level in Interreg programmes mainly cover the project selection phase.

Only Lead Partners are entitled to file a complaint to the Managing Authority, which is the legal entity that bears the responsibility regarding decisions made on project selection (based on the decision made by the Monitoring or Selection Committee of the programme).

Complaints against a decision of the Managing or Certifying Authority during project implementation follow the rules laid down in the subsidy contract.

Complaints related to First Level Control, Second Level Control and Audit have to be lodged with the responsible national authority according to the applicable national rules

Complaints procedures are described mostly in Programme Manuals and in Call for Proposals.

Templates for complaints are created by many programmes to standardize the information.

What are the main differences in programme practices?

| Applies to the majority of Interreg programmes | Applies to some Interreg programmes |
|--|--|
| Most of the programmes used the HIT document created to establish a complaints procedure ³ (entirely, partly or as inspiration) | There are programmes that create their own complaints procedure based on their experiences from the previous programme period. |
| The examination of the complaint is made by a Complaints Panel, consisting of members of the MC and/or colleagues of JS/MA. | Complaints are examined by an organization not directly involved in the initial decision-making (e.g., a separate unit of the hosting institution of MA) |
| It is strongly recommended that a clarification round is held before an official complaint is submitted. In some cases, this is embedded in the procedure. | The procedure starts with submission of the official complaint without prior clarification possible. |
| Complaints about decisions that were originally made unanimously must be handled through a process of unanimous decision-making. | The decision-making method in the complaints procedure is simple majority. |

³ Harmonised Implementation Tools (HIT): Complaint procedures, download from here: <http://www.interact-eu.net/#harmonised-tools>

Complaints procedures in Interreg programmes are effective, in general:

- most of the cases are resolved on programme level.
- the information on complaints-handling is communicated properly, and the procedure is accessible to applicants/beneficiaries.
- the proportion of the complaints that resulted in a change in the original decision/process (against which the complaint has been filed) is very low.
- the time needed for a complaints procedure varies programme by programme, but on average it stays between 70-90 calendar days.

In the frame of the development process of Harmonised Implementation Tools for post-2020 Interreg programmes, Interact will review the guidance provided for establishing complaints procedures, and adjust this guidance, if needed.