

Standard Operation Procedures	SOP_011_M
Effective Date: 02/05/2016	Public

Management of European Ombudsman Complaints

Special Requirements	This procedure is a controlled document maintained by Quality Management. It may not be deleted without comparable controls. Please note that this document becomes uncontrolled once printed. Make sure by always referring only to the Repository that you have the right version in use. Deviations from the provision of this document need to be recorded in the Exception Request Workflow. The procedure should be updated when there are changes in EFSA with respect to what is stated in the document (e.g. Relevant Standards, legislation, and documents, change in procedure, etc.). The person responsible for maintaining this procedure up to date is the Lead author with the support of the QM.
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Process Responsibility	Process owners are accountable this procedure being adhered to within their respective or unit. All relevant staff is responsible for the correct implementation of the procedure. Responsibilities for performing specific steps are outlined in the document.
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SCOPE AND OBJECTIVES

The 'Management on European Ombudsman Complaints' shall ensure uniform, structured and confidential handling of EO complaints that have been brought up against EFSA under Article 228 of the Treaty on the Functioning of the European Union. The Authority shall process the request to its best efforts in order to scrutinise the complaint and reply in an Opinion to the EO in a concise and exhaustive manner. For this purpose, the Authority shall pursue any relevant information available. This document describes the procedure for managing an EO Complaint by defining the process activity, from the reception of a complaint until the dispatch of a reply letter to the EO within the given deadline and the follow-up. The procedure respects inter alia the general principles of good administration as reflected in EFSA's Code of Good Administrative Behaviour.

RESPONSIBILITIES:

The reply letter to the EO lies within the responsibility of the ED. LA is responsible for the processing of the complaint, i.e. to assess the subject matter raised and the allegations pled, and to draft the Opinion (reply letter) of the Authority to be signed by the ED and sent to the EO. All other Units/Departments that LA considers requesting support for the assessment and to resolve the complaint shall assist actively LA in its task.



RELEVANT STANDARDS, LEGISLATION AND DOCUMENTS	
<p>a) <u>Article 43 of the Charter of Fundamental Rights of the European Union</u> b) <u>Articles 20, 24 and 228 of the Treaty on the Functioning of the European Union</u> c) <u>Decision of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties/Implementing Provisions</u> d) <u>The European Code of Good Administrative Behaviour</u> e) <u>Horizontal Legislation in force relevant to EFSA</u> f) <u>Policies and Rules of EFSA as included in the Repository</u> g) <u>SOP_018_Management of EFSA's Repository of governance and management documents</u></p>	
ABBREVIATIONS AND DEFINITION	
Decision	Refers to an implementing act either from the MB or ED specifying a course of action(s) and laying down in a prescriptive manner detailed provisions for its operational implementation.
ED	Executive Director
EO	European Ombudsman
HoD BUS	Head of the Business Services Department
HoU	Head of Unit
LA	EFSA Legal and Assurance Services Unit
MB	Management Board
Policies	Define the guiding principles EFSA uses to direct its actions in pursuit of its overall objectives
QM	EFSA Quality Management
SOPs	Standard Operating Procedures - prescribe the operational steps breviation
PROCEDURE	
	Previous SOPs in the process: N/a
Step 1	1.0 Reception of an EO Complaint
ED HoD BUS HoU LA	<p>1.1 Having received a complaint letter by the EO (according to the EO email correspondence procedure), the HoU LA gives notice to the ED by summarizing the matter of the complaint. In case a complaint letter has been received by another Unit/Department, this Unit/Department has to forward the letter immediately to the HoU LA; the following procedure applies accordingly.</p> <p>1.2 LA informs any other Unit/Department which could be concerned by the subject matter.</p>



Step 2	2.0 Evaluation of the EO Complaint
LA Other Units/Departments concerned	<p>2.1 LA analyses the EO Complaint by assessing the matter in the light of EFSA's legal and regulatory framework, procedural aspects, Union legislation and case law.</p> <p>2.2 If needed, LA requests contributions/feedback for further assessment by other Units/Departments within an appropriate deadline, depending on the deadline given in the EO Complaint for the Authority's reply letter.</p> <p>2.3 For politically sensitive cases LA seeks senior managerial orientations on the position to be taken in EFSA's opinion.</p> <p>2.4 Classified information, in particular sensitive documents that shall be treated as confidential, shall be properly identified and an agreement on the conditions of treatment should be reached with the EO before disclosure.</p>
Step 3	3.0 Draft EFSA Opinion
ED; LA; HoD BUS; Other Units/Departments concerned	<p>3.1 Upon completion of the evaluation, LA prepares a reply letter including EFSA's opinion (approved by other Units/Departments concerned by the subject matter).</p> <p>3.2 LA prepares a note to the ED explaining the proposed EFSA position and presents the reply letter for acceptance. EFSA's position may consist in</p> <ul style="list-style-type: none"> - Redressing fully or partially the EO Complaint (i.e. acknowledging maladministration by EFSA); and/or - Rejecting fully or partially the EO Complaint. <p>EFSA takes also position to preliminary conclusions, a 'friendly solution' proposed by the EO, the request on onsite inspections, the exchange of additional information or similar aspects.</p> <p>3.3 Upon approval, the reply letter with EFSA's opinion is signed by the ED and sent to the EO within the deadline given by the EO. In case the procedural language is other than English, LA must request a translation to the Translation Centre for the Bodies of the European Union in Luxembourg. When sending the English version to the EO, EFSA has to notify to the EO when the necessary translation is going to be submitted.</p> <p>3.4 The ED reports to the MB on the EO complaint and EFSA's reply letter to the EO.</p>
Step 4	4.0 Follow-up of an EO Complaint
Units/Departments concerned	<p>4.1 If EFSA rejected the EO Complaint, the follow-up depends on the outcome of internal senior managerial deliberations. LA and the Units/Departments involved will consider the way forward when receiving a critical remark or a draft recommendation proposed by the EO.</p> <p>4.2 If redressing the EO Complaint, the competent Unit/Department is responsible for the follow-up at EFSA in order to ensure that all necessary measures are taken in due time and in an effective manner. This Unit/Department reports to the ED and LA on the measures taken.</p> <p>4.3 Where appropriate, the HoU LA prepares a letter to be signed by the ED informing the complainant and the ombudsman about the measures taken.</p>
	Following SOPs in the process:n/a