

Decision in case 1462/2014/ANA concerning the Education, Audiovisual and Culture Executive Agency (EACEA)'s handling of applications for funding for town twinning projects

Decision

Case 1462/2014/ANA - Opened on 12/09/2014 - Decision on 29/10/2015 - Institution concerned European Education and Culture Executive Agency (Settled by the institution) |

The case concerned funding for a twinning project under the Europe for Citizens' Programme.

It was submitted to the Ombudsman by an Irish non-profit organisation which has run twinning projects with a French partner for 25 years. The organisation missed the deadline to apply for funding in 2015 because of changes made by EACEA to the deadline for applying for funding under the Programme. It alleged that EACEA acted incorrectly when making those changes.

The Ombudsman inquired into the issue and made a proposal for a solution to EACEA, along with additional suggestions for improvements as to how it managed the scheme. As a result, EACEA provided additional clarifications to the complainant for the reasons behind the changes to the deadlines and agreed that the twinning project could be carried out in 2016.

In light of this, the Ombudsman finds that EACEA has taken appropriate action to settle the case to the complainant's satisfaction.

The background

1. The 'Europe for Citizens' Programme proposes different actions supported by two types of grants (project grants and operating grants) [1] . Action 1 ('Active Citizens for Europe') aims to bring together people from local communities across Europe to share and exchange experiences, opinions and values, to learn from history and to build for the future. It encourages meetings, exchanges and debates among European citizens from different countries through different means, including Measure 1.1 Town-Twinning Citizens' meetings, which is relevant in this case [2] .

2. The Education, Audiovisual and Culture Executive Agency (EACEA) is responsible for the implementation of all actions of the Europe for Citizens Programme [3] .The complainant is an



Irish organisation which has run a twinning partnership with a French partner for 25 years. Twinning partnerships were covered by the Programme Guide 2007-2013 and are currently managed in accordance with the Programme Guide 2014-2020.

3. Both Programme Guides set 1 September as the deadline for the submission of applications for town twinning actions taking place from 1 January to 30 September of the year following the deadline.

4. On 28 June 2014, the complainant contacted EACEA and expressed its intention to organise a town twinning project in April 2015. The complainant asked for confirmation that the 1 September deadline applied.

5. In its reply of 30 June 2014, EACEA informed the complainant that, for applications made in 2014, the time limits had to be changed because of the late approval of the Europe for Citizens Programme.

6. In its reply of the same day, the complainant then asked to be informed when the revised closing date was published and whether it could make an immediate application for the proposed twinning project in April 2015.

7. On the same day, EACEA informed the complainant that the Programme Guide was published on its website on 6 May 2014 [4] . EACEA informed the complainant that its application should have been submitted by 4 June 2014.

8. In its reply of the same day, the complainant argued that it was not fair to allow less than a month between the publication of the Programme Guide and the closing date.

9. In its reply of 1 July 2014, EACEA reiterated the constraints that led it to make adjustments for 2014.

10. On 20 August 2014, the complainant lodged the complaint with the European Ombudsman. In its complaint, the complainant argued that by adopting, on 6 May 2014, an exceptionally short deadline of 4 June 2014 for that year, EACEA provided insufficient time for the twinning arrangements to be completed. The complainant stressed that in every other year from 2007 to 2020, the relevant deadline was or will be 1 September.

The inquiry

11. The Ombudsman opened an inquiry into the complaint and identified the following allegation and claim:

1) EACEA unfairly shortened the deadline for the submission of applications for funding for town twinning projects.



Supporting arguments:

The complainant argued that it was working towards an application deadline of 1 September 2014, as would be normal based on the deadline in previous years. However, by promulgating, on 6 May 2014, an exceptionally short deadline of 4 June 2014 for that year, EACEA provided insufficient time for the twinning arrangements to be completed. The complainant stated that in every other year from 2007 to 2020, the relevant deadline was or will be 1 September.

2) EACEA should accept the complainant's application and examine it on its merits.

Allegation that EACEA unfairly shortened the deadline for the submission of applications for funding for town twinning projects and the related claim

The Ombudsman's first step in the inquiry: a simplified procedure

12. In the interest of expediency and in order to explore the possibility of obtaining an outcome that could be useful to the complainant and to other affected citizens, the Ombudsman's services contacted EACEA about the complaint on 12 September 2014. EACEA sent its reply on 6 October 2014. The complainant sent its observations on that reply on 23 October 2014.

The Ombudsman's second step in the inquiry: a proposal for a solution

13. The Ombudsman analysed the case and took into account the arguments and opinions put forward by the parties [5] .

14. In her analysis leading to the proposal for a solution, the Ombudsman took into account the fact that the deadline for actions taking place in April of the following year has consistently been set for 1 September. Having regard to the principles of good administrative behaviour, the Ombudsman examined whether the departure from EACEA's practice concerning the 1 September deadline was justified, in light of (a) whether legitimate grounds had been given, and (b) whether the change of the deadline was made in a sufficiently transparent manner.

15. The Ombudsman made the preliminary finding that EACEA failed to (a) give legitimate grounds and (b) provide sufficient transparency concerning its decision to bring forward to 4 June 2014 the deadline for applications for the town twinning projects to take place in the first nine months of 2015. Given that EACEA's conduct could have constituted maladministration, the Ombudsman considered that asking EACEA, in spite of the expiry of the deadline, to examine the complainant's application on its merits for funding concerning a town twinning project taking place in April 2015, would be a suitable remedy to eliminate any



maladministration and to satisfy the complainant.

16. In light of this analysis, on 26 November 2014, the Ombudsman made the following proposal for a solution:

" Taking into account the above findings, the Ombudsman proposes that the EACEA considers the complainant's application, for funding concerning a town twinning project taking place in April 2015, to be eligible and examines it on its merits ".

17. EACEA sent its reply to the Ombudsman's proposal on 29 January 2015. The complainant sent its observations on 31 January 2015.

18. In its reply to the Ombudsman's proposal, EACEA apologised for the possible inconvenience caused to applicants. EACEA identified the differences between the Europe for Citizens programme 2007-2013 and the 2014-2020 one and noted that, although the current programme is based on the experience of the previous one, it has a different legal basis and requires a certain number of modifications in terms of the actions to be implemented, deadlines to be respected and the criteria to be met.

19. Against this background, EACEA argued, in relation to the lack of publicity regarding the deadlines that the Ombudsman found in her analysis, that, from 26 March 2014 to 15 April 2014, information regarding the potential timescale adjustments was put on its website under 'news heading' alerting the applicants about the postponement of the deadline, initially scheduled on 1 March 2014, to 4 June 2014. EACEA further contended that information on the adjustments of deadlines was put on the very first page of the programme guide, the primary document to be consulted and considered by all applicants within the application process.

20. Moreover, EACEA pointed out that the complainant never submitted an application for the project to be implemented in April 2015. Instead, it submitted an application for a project to be carried out in September 2015. In the meantime, EACEA had evaluated the complainant's application on its merits and, in accordance with standard procedures, it awarded it the funding for which it had applied. In light of these statements, EACEA contended that, in line with the Ombudsman's proposal, it evaluated the complainant's application on its merits and in accordance with the standard procedures applicable for the allocation of EU grants.

21. In its observations, the complainant thanked the Ombudsman for her handling of the complaint and expressed its appreciation for the work of EACEA. However, the complainant expressed its disappointment at the rejection by EACEA of the Ombudsman's proposal for a friendly solution. Accordingly, the twinning activities could not proceed as originally planned for Easter 2015.

The Ombudsman's third step in the inquiry: mediation

22. On 23 June 2015, the Director of the Ombudsman's Office met with the Executive Director



of EACEA to discuss EACEA's reply to the Ombudsman's proposal and the complainant's observations thereon. The Ombudsman's Director noted that while, in its reply, EACEA explained the constraints it was faced with because of the late adoption of the Programme, these arguments did not sufficiently explain why the deadline was brought forward to 4 June 2014. Moreover, he drew EACEA's attention to the fact that EACEA's reply did not show that, before formally putting the information on its website, it had alerted the stakeholders of the Europe for Citizens Programme that a different deadline would apply in 2014.

23. On 2 July 2015, EACEA wrote to the complainant noting that, following further discussions with the Ombudsman's services, it understood that there may have been a misunderstanding regarding the information previously provided and provided further explanations of the changes to the submission deadlines and eligibility periods for 2014.

24. Specifically, EACEA clarified that the deadline for Round 1 of Town Twinning measures, initially scheduled on 1 March 2014, was postponed to 4 June 2014. The deadline for Round 2 scheduled on 1 September 2014 was maintained. EACEA stated that the modification of the deadlines had a direct impact on the eligibility periods. The eligibility period for Round 1 (initially, 1 July 2014 to 31 March 2015) was extended until 30 September 2015. The eligibility period for Round 2 (initially, 1 January 2015 to 30 September 2015) was consequently modified to cover the period from 1 September 2015 to 31 December 2015. EACEA pointed out that it had announced the modifications of the deadlines on 26 March 2014 [6]. It acknowledged, however, that at that stage there was no information on the changes to the eligibility periods; this information was published on 6 May 2014. EACEA expressed its regret for the fact that, despite its efforts to adjust the timing of the calls and of the eligibility periods to benefit the participants of the programme, there was a misunderstanding regarding the complainant's project. It added that it hoped that these further clarifications would be helpful.

25. In its comments on EACEA's letter, the complainant informed the Ombudsman that the validity of the grant decision to carry out the twinning project in September 2015 had been extended and the project will now take place at Easter 2016. The complainant highlighted that these arrangements are satisfactory to both it and its project partner and expressed its appreciation to the Ombudsman for arriving at a satisfactory conclusion.

The Ombudsman's assessment

26. The Ombudsman notes that, in its letter of 2 July 2015, EACEA highlighted the difference between the changes to the deadline for submitting an application and the changes to the eligibility period for the implementation of a project under Measure 1.1 Town-Twinning Citizens' meetings of the Europe for Citizens Programme. The Ombudsman considers that this additional information clarifies the issue.

27. Moreover, the complainant expressed its satisfaction both for the further clarifications and for the fact that EACEA had agreed that its twinning project will take place at Easter 2016.



28. In light of these considerations, the Ombudsman closes the case with the finding that EACEA has taken appropriate action to settle the case to the complainant's satisfaction.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion:

EACEA has taken appropriate action to settle the case to the complainant's satisfaction.

The complainant and EACEA will be informed of this decision.

Emily O'Reilly

Strasbourg, 29/10/15

[1] Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020, OJ 2014, L 115, p. 3.

[2] http://eacea.ec.europa.eu/europe-for-citizens_en

[3] Commission Implementing Decision 2013/776/EU of 18 December 2013 establishing the 'Education, Audiovisual and Culture Executive Agency' and repealing Decision 2009/336/EC, OJ 2013, L 343, p. 46.

[4] http://eacea.ec.europa.eu/europe-for-citizens/news/news-programme-guide_en

[5] For further information on the background to the complaint, the parties' arguments as well as the Ombudsman's analysis, please refer to the full text of the Ombudsman's proposal for a solution available at: [hyperlink](#).

[6] http://eacea.ec.europa.eu/europe-for-citizens/news_en