

Decision in case 960/2016/TM on the European Investment Bank's alleged failure to handle a complaint in a timely manner

Decision

Case 960/2016/TM - Opened on 08/07/2016 - Decision on 04/12/2017 - Institution concerned European Investment Bank (Settled by the institution) |

The case concerned the alleged failure of the European Investment Bank (EIB) Complaints Mechanism to handle a complaint in a timely manner. The Ombudsman inquired into the issue and found that the delay was justified due to the complexity of the subject matter of the complaint. The Ombudsman therefore found no maladministration by the EIB.

Background to the complaint

1. The complainant represents a company based in Bulgaria. In 2015 she applied for funding under the Joint European Resources for Micro to Medium Enterprises (JEREMIE).
2. On 7 May 2015, the complainant was informed that the investment could not proceed due to her project's failure to meet certain eligibility and compliance criteria.
3. On 15 June 2015, the complainant submitted a complaint to the European Investment Bank's Complaints Mechanism (EIB-CM) about the rejection of her project.
4. On 31 July 2015, the EIB-CM acknowledged receipt of the complaint and informed the complainant that she would receive a reply by 16 February 2016.
5. On 16 February 2016, the EIB-CM sent a holding reply and informed the complainant that there would be a delay in the handling of her complaint due to its workload.
6. In the absence of a decision by the EIB-CM, on 4 June 2016 the complainant turned to the Ombudsman.

The inquiry



7. The Ombudsman opened an inquiry into the alleged failure of the EIB-CM to handle the complaint in a timely manner.

8. In the course of the inquiry the Ombudsman received a copy of the EIB-CM's reply to the complainant of 22 December 2016 explaining the reasons for the delay and its final decision (the Conclusions Report) of 25 April 2017. On 29 March 2017 the Ombudsman's inquiry team carried an inspection of the EIB-CM's file to assess the reasons causing the delay.

The failure of the EIB-CM to handle the complaint in a timely manner

Arguments presented to the Ombudsman

9. The complainant considered that the handling of her complaint was too slow.

10. Following the Ombudsman's intervention on 22 December 2016 the EIB-CM apologised for the delay. It explained that the delay was due to the complexity of the subject matter and the quantity of information reviewed. It also informed the complainant that more resources were allocated to the handling of her complaint and committed to a new deadline to finalise its Conclusions Report (31 March 2017).

11. On 28 March 2017 the complainant confirmed to the Ombudsman's team that she had not yet received a substantive reply but did not comment on the reasons put forward by the EIB-CM to justify the delay. After having received the Conclusion Report in April 2017, the complainant has not reverted to the Ombudsman on the matter.

The Ombudsman's assessment

12. The Ombudsman notes that, according to the EIB-CM's rules of procedures regarding the handling of complaints a response to a complex complaint should be sent within 150 days. Moreover, whenever the EIB-CM is not able to provide a response to the complainant within the foreseen time the EIB-CM should inform the complainant accordingly, before the expiration of the deadline and providing the reasons for the delay [1] .

13. In this case, the complainant lodged her complaint on 15 June 2015. The EIB-CM registered it on 14 July 2015 and issued its final decision (the Conclusions report) on 25 April 2017. Thus, EIB-CM failed to comply with the foreseen time frame. However, it provided a reasonable explanation for that delay (more specifically, the complexity of the subject matter (e.g. equity investment), the assessment of the role of each stakeholder involved in the case). The complainant did not make any further comments in this respect in her subsequent correspondence with the Ombudsman.



14. The Ombudsman notes that the EIB-CM allocated more resources to the handling of the complainant's complaint and had taken its final decision within the time limit as set in its letter of 22 December 2016.

15. The Ombudsman notes with concern dealing with several complaints regarding delays and the Ombudsman – whilst taking every complaint by its own merit – is concerned about slow responsiveness of the Bank to citizens.

16. Despite this positive step in this case, and whilst each case is taken on its own merits, the Ombudsman notes with concern that there are several cases brought to her alleging slow responsiveness by the EIB to citizens' requests.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

There was no maladministration by the European Investment Bank.

The complainant and the European Investment Bank will be informed of this decision .

Marta Hirsch-Ziemińska

Head of Inquiries and ICT - Unit 1

Strasbourg, 04/12/2017

[1] Article 10.2 of the Complaints Mechanism Principles, Terms of Reference and Rules of Procedure,

available here: http://www.eib.org/attachments/strategies/complaints_mechanism_policy_en.pdf
[Link]