



Chancellor of Justice

Emily O'Reilly
European Ombudsman
EO@ombudsman.europa.eu

Your ref. 25.09.2018

Our ref. 12.12.2018 No 5-2/1804071

Subject: Strategic Initiative SI/3/2018/JN: effective complaint mechanisms for matters concerning European Structural and Investment Funds — follow-up to OI/8/2014/AN

Dear Ms O'Reilly,

In Estonia, a general complaint mechanism on administrative matters is regulated by the Administrative Procedure Act¹ and by the Code of Administrative Court Procedure,² whereas some specific norms on complaint mechanisms for matters concerning European Structural and Investment Funds are stipulated in other laws such as 2014-2020 Structural Assistance Act³ or European Union Common Agricultural Policy Implementation Act⁴.

A person who finds that his or her rights are violated or his or her freedoms are restricted by an administrative act or in the course of administrative proceedings may file a challenge. A challenge procedure is resolution of disputes within the administrative body. Unless different jurisdiction is provided by law, a challenge should be filed through the administrative authority which issued the challenged administrative act or took the challenged measure with an administrative authority which exercises supervisory control over the administrative authority which issued the challenged administrative act or took the challenged measure. If no authority exercises supervisory control over an administrative authority which issued an administrative act or took a measure, a challenge should be adjudicated by the administrative authority which issued the administrative act or took the measure.

Unless otherwise provided by law, a challenge concerning an administrative act or measure should be filed within 30 days as of the day when a person becomes or should become aware of the challenged administrative act or measure. In cases concerning European Structural and Investment Funds, a challenge should be adjudicated within 30 days after the challenge is delivered to the administrative authority that reviews the challenge. If a challenge needs to be further examined, an administrative authority which reviews the challenge may extend a term for review of the challenge by up to 30 days. A notice concerning extension of the term should be forwarded to the person who filed the challenge.

¹ Available in English at <https://www.riigiteataja.ee/en/eli/523012018001/consolide>.

² Available in English at <https://www.riigiteataja.ee/en/eli/512122017007/consolide>.

³ Available in English at <https://www.riigiteataja.ee/en/eli/530072018004/consolide>.

⁴ Available in English at <https://www.riigiteataja.ee/en/eli/516102017012/consolide>.

A person whose challenge is dismissed or whose rights are violated in challenge proceedings has the right to file an appeal with an administrative court under the conditions and pursuant to the procedure provided by the Code of Administrative Court Procedure.

During the last years, the Chancellor of Justice has received only a few complaints regarding to the ESI Funds or the adequacy of the complaint mechanisms in place. The complaints have mainly concerned authorities' inability to adjudicate a challenge within the time prescribed by law. However, there have not been enough complaints to make any substantive conclusions on the functioning of the complaint mechanism.

Yours sincerely,



Ülle Madise

Kertti Pilvik 

Marje Kask 

