

Template

Procedure for complaints against the European Reference Networks (ERNs)

The ERNs should ensure that the following procedure is provided for within their rules of procedure/governing statutes¹ to allow a third party to lodge a complaint where the third party has expressed concerns as to the internal activities or functioning of the ERN and where, according to the third party, no solution is offered at the level of the concerned ERN to address those concerns.

- 1) Relating exclusively to the internal activities or functioning of that ERN, the Board of Member States acts as the body designated to handle complaints from third parties should an ERN not address their complaints.
- 2) When a third party has complained to an ERN as to its internal activities or functioning, and when, according to the third party, no solution is offered to address these complaints at the level of the ERN, the ERN will inform the third party of the possibility to lodge a complaint before the Board of Member States. If the third party uses this possibility, the Coordinator of the concerned ERN shall transmit the complaint to the Chair of the Board of Member States and to the relevant representative of the Board of Member States².
- 3) The Chair of the Board of Member States and the relevant representative of the Board of Member State shall conduct the analysis of the complaint in an independent, fair, transparent and efficient manner, taking into consideration all information reasonably available. They will examine key documents and consult with the concerned ERN and third party, who will have an opportunity to comment.
- 4) The focus of the analysis carried out by the Chair of the Board of Member States and the relevant representative of the Board of Member State shall be on identifying if any deviation from applicable rules of procedure/governing statutes of the concerned ERN has taken place.
- 5) The Chair of the Board of Member States shall provide the conclusions of the analysis to the Coordinator of the concerned ERN within 30 working days from the receipt of complaint. The Chair of the Board of Member States may delay this by a further 15 working days, where duly justified.
- 6) The conclusions of the Chair of the Board of Member States shall include, where relevant, recommendations for corrective actions to be taken by the concerned ERN.
- 7) The concerned ERN shall make its best efforts to implement the recommended actions.
- 8) The concerned ERN shall transmit the conclusions to the complainant and, where relevant, the implementation of the recommended actions.

¹ Each ERN has their own specific rules of procedure/governing statutes.

² The relevant representative of the Board of Member State is the representative from the Member State where the ERN Coordinator is located.