**Complaint[[1]](#footnote-2) procedure**

of Interreg VI-A Romania-Bulgaria

**Article 1 (Scope of the complaint procedure)**

1. These rules define the procedure for treating complaints against decisions taken by the Monitoring Committee regarding the assessment process and selection of an operation. The purpose of the procedure is to ensure effective examination of complaints.
2. All other types of complaints will be treated according to the provisions of the subsidy contract or other applicable national rules.

**Article 2 (Right to complain)**

The project’s Lead Partner may file a complaint against the decision of the Monitoring Committee, according to the Applicant’s Guide provision. Other partners willing to file a complaint in relation to the same decision may do so through their Lead Partner. It is therefore the task of the Lead Partner to collect and bring forward the complaint reasons from all project partners.

**Article 3 (Complaint against funding decisions)**

1. The complaint can be lodged only if the project funding was rejected or if the project was approved without available financial allocation.
2. The Lead Partner may lodge a complaint, considering the Applicant’s Guide provisions, only:
3. against the outcomes of the assessment of the project application and/or
4. against the supposed breach of the procedures for the project assessment and selection.
5. In all situations, the Lead Partner should refer to the Call documents or the selection criteria approved by the Monitoring Committee and justify its complaint through explaining and demonstrating:
6. why the outcomes do not correspond to the information provided during the project assessment and selection process and/or
7. why the process failed to comply with specific procedures, indicating the exact rules which were, in its views, not respected. The Lead Partner should equally demonstrate through its complaint how the supposed procedural breach materially affected or could have materially affected the contested decision.
8. If the complaint does not contain any justification or if it does not refer to the applicable rules, the complaint may be considered inadmissible and rejected.

**Article 4 (Lodging the complaint and formal requirements)**

1. The complaint against the Monitoring Committee decision should be lodged in writing, by e-mail, within maximum 5 working days from the date when the notification about the results of the project selection process was sent to the Lead Partner[[2]](#footnote-3).
2. The complaint should include:
3. name and address of the Lead Partner;
4. reference number of the application which is subject of the complaint (JEMS code);
5. clearly indicated reasons for the complaint (grounds), including proper justifications for each ground, in line and limited to those situations indicated under Article 3;
6. signature of the legal representative of the Lead Partner (only in electronic format);
7. The complaint may include relevant supporting documents, if needed. The supporting documentation shall be provided for the sole purpose of supporting the complaint and may not alter the quality or content of the assessed application (no supplementary documents will be considered, other than the ones initially submitted together with the application form or requested by evaluators during the assessment process).
8. During the examination of the complaint, only the grounds indicated as per Article 4.2.c will be taken into account.

**Article 5 (Rejection without examination)**

A complaint will be rejected without further examination if submitted after the deadline set in Article 4.1 or if the formal requirements set in Article 4.2 are not observed.

**Article 6 (Handling and examination of the complaint)**

1. The Monitoring Committee solves any complaint filed according to this procedure after considering the recommendations of the Complaint Panel, a group of experts specifically designated for the prior review of the complaint.
2. For each filed complaint, the Monitoring Committee adopts a *complaint solution decision*, based on its Rules of procedures for the Interreg VI- A Romania-Bulgaria Programme.
3. The Complaint Panel is tasked to review the complaint and to issue a written report containing its recommendations, which are not binding for the Monitoring Committee. The report is communicated to the Monitoring Committee together with the complaint and other relevant documents, as the case may be. For the purpose of performing its tasks, the Complaint Panel is granted full access to documents and it should examine any relevant document, including, without limitation: the complaint, the application form and all supporting documents that were taken into consideration during the project assessment and selection process, the record of the Monitoring Committee’s decision, other documents related to the assessment of the application in question, like assessors’ checklists.

**Article 7 (Roles, steps, conditions and duration of complaint examination)**

1. Within one day from the maximum deadline for receiving complaints, the Joint Secretariat shall provide to the Managing Authority and the National Authority the list of the received complaints.
2. The Complaint Panel should review the admissibility of the complaint and, if found admissible, it should review the content and justification for each of the grounds for complaint. The report of the Complaint Panel should include the recommendation of its members on whether to accept, to accept in part or to reject the complaint. The report of the Complaint Panel should also include the justifications for recommended decisions in respect of each ground for complaint.
3. When issuing recommendations, if the consensus is not reached, the Complaint Panel decides by majority, each member having one vote.
4. In 20 days after the complaint is lodged, the Complaint Panel presents its draft report to the Managing Authority and to the National Authority.
5. The Managing Authority and the National Authority may decide to retain the Complaint Panel draft report for verification, depending on their predefined verification sample. The Managing Authority and the National Authority have 5 days to perform the verification and issue a written opinion. In justified cases, this deadline may be extended by 5 more days. By the end of the verification, the Complaint Panel is informed about the results. If there are indications that the review was not complete or accurate, in their written opinion, the Managing Authority and the National Authority may ask the Complaint Panel to review again the complaint and to update the report. The Complaint Panel performs its new review and updates its report in 3 days. If the Complaint Panel does not agree to the written opinion, it submits the initial report to the Monitoring Committee, accompanied by the written opinion of the Managing Authority and the National Authority and by its own supplementary comments.
6. If the Managing Authority and the National Authority do not retain the report for further verification, in one day, they inform the Complaint Panel to provide the report to the Monitoring Committee.
7. The Complaint Panel provides the report to the Monitoring Committee as soon as possible, together with the complaint and other relevant documents, including the written opinion of the Managing Authority and the National Authority.
8. The Monitoring Committee shall decide in written procedure and adopt the complaint solution decision in maximum 7 days from receiving the Complaint Panel report.
9. The complaint solution decision may consist of:
10. rejecting the complaint as inadmissible or for late submission;
11. admitting the complaint, by admitting all its grounds;
12. admitting in part the complaint, by admitting one or more grounds;
13. rejecting the complaint, by rejecting all its grounds.
14. The complaint solution decision adopted by the Monitoring Committee is final, binding to all parties and not subject of any further complaint proceedings within the Programme.
15. The Joint Secretariat (acting as Monitoring Committee Secretariat) communicates the complaint solution decision to the Lead Partner by email, within maximum one day from adoption and is not held responsible for the Monitoring Committee’s decision.

**Article 8 (Final Provisions)**

1. The complaint solution decision should be issued within 45 days from complaint filing. In justified cases, the Monitoring Committee may allow more time for solving the complaint and the Joint Secretariat informs accordingly, in advance, the Lead Partner.
2. The complaint procedure and all the complaint solution decisions adopted by the Monitoring Committee will be published on the official website of the Programme - [www.interregviarobg.eu](http://www.interregviarobg.eu).

1. The term „complaint” should be understood as different from the term „appeal“. The term “complaint” refers to a procedure within the Programme which does not replace an appeal in a court of justice, but it may help to avoid such an appeal. [↑](#footnote-ref-2)
2. Lead partners are reminded that, according to the Applicants’ Guide, notifications from the Joint Secretariat will be received through the Joint Electronic Monitoring System (JEMS), if function available, or through the e-mail address previously registered in JEMS. The date of the communication is considered to be the date when the e-mail was sent or when the JEMS message was posted. Lead partners should regularly check their e-mails and JEMS accounts. [↑](#footnote-ref-3)