

Interreg



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RULES ON THE COMPLAINT PROCEDURE AGAINST A DECISION REGARDING THE SELECTION PROCESS

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Article 1 **Scope of the complaint procedure**

1. These rules define the procedure of a complaint against decisions taken by the Monitoring Committee (MC) in relation to the selection process.
2. These rules are not regulating:
 - a. complaint against a decision of the Managing Authority (MA) of the Programme during project implementation which based on the ERDF Subsidy Contract concluded between the MA and the Lead Partner (term "Lead Partner" means Lead Applicant or Lead Beneficiary). In this case it follows the rules laid down in the ERDF Subsidy Contract.
 - b. complaints related to National Control, National Authority, Body performing the accounting function and Audit Authority. In this case complaints have to be lodged to the responsible institutions according to their specific applicable rules which shall be available to the beneficiaries.

Article 2 **Right to file a complaint**

1. Only the project's Lead Partner (LP) as the one representing the project partnership affected by the funding decision is entitled to file a complaint.

Article 3 **Complaint against funding decisions**

1. The right to file a complaint against a decision regarding the project selection process applies to the LP whose project application was not selected for the Programme co-financing during the project selection process.
2. The complaint is to be lodged against the communication issued by the MA based on the decision by the MC.
3. The complaint can be lodged against the formal/administrative aspects of the selection process.

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

1. Prior to filing a complaint, the LP is strongly recommended to request additional technical or legal information from the Joint Secretariat (JS) within the timeframe available for submitting a complaint. The information requested may apply only to the application submitted by the respective LP. If, following the answer submitted by the JS, the LP is not satisfied with the received additional information, it may decide to submit a formal complaint via e-mail to the address: si-hr.mkrr@gov.si. The complaint shall be submitted in Slovenian and Croatian language in written form to the MA of the Programme



within 14 calendar days after the LP had been officially notified by the MA about the results of the project selection process.

2. The complaint shall include:

- a. name, address and contact details of the LP;
- b. reference number and acronym of the application which is the subject of the complaint;
- c. clearly indicated reasons for the complaint, clearly specify what failures or mistakes have happened during the assessment of the proposal and include a clear reference to the relevant documents within the Application pack;
- d. any supporting documents.

3. The text in the complaint shall be provided for the sole purpose of supporting the complaint and cannot alter the quality or content of the original assessed application.

4. No other grounds for the complaint than indicated under Article 4(2c) shall be taken into account during the complaint procedure.

Article 5 **Rejection without examination**

1. A complaint shall be rejected without further examination if submitted after the deadline set under Article 4(1) or if the formal requirements set under Article 4(2) are not observed.

2. In case the complaint is rejected under provisions set under Article 5(1), the Managing Authority (MA) conveys this information within 10 calendar days to the LP and Joint Secretariat (JS) on behalf of the MA informs the MC.

Article 6 **Handling of the complaint**

1. MA instructs the JS to prepare all the relevant documentation regarding the assessment process in connection to the merit of the received complaint no later than within 10 calendar days after the receipt of the complaint.

2. The complaint shall then be examined on the basis of the information brought forward by the LP in the complaint and documentation according to Article 6(1) by the Complaint Panel.

Article 7 **Complaint Panel**

1. The Complaint Panel is the only body entitled to review the complaint against a decision regarding the selection of projects co-financed under the Programme.



2. The Complaint Panel comprises three members, one is the Chair of the MC who is also the Chair of the Complaint Panel, one representative of the MA and one legal expert who is neither member of MC, MA or JS.
3. The MA nominates the members of the Complaint Panel and informs the MC thereof.
4. Impartiality of members of the Complaint Panel towards the case under review has to be ensured. If this cannot be provided, the distinct member shall refrain from the distinct case's review and be replaced by another impartial member according to Article 7(3). Members have to sign a declaration on impartiality, prepared by the JS, at the first attendance on the Complain Panel meeting. Members are not entitled to disclose any details of meeting discussions. This obligation shall remain in force after the end of their mandate.
5. The JS acts as the secretariat for the Complaint Panel and provides any assistance necessary for the review of the complaint.

Article 8 **Examination of complaint by Complaint Panel**

1. No later than within 10 calendar days after the receipt of the complaint JS shall provide the members of the Complaint Panel with following documents:
 - a. the complaint with the documents prepared by the JS regarding the assessment process as defined under Article 6(1);
 - b. the access to the Application Form via Jems and all supporting documents that were taken into consideration by the JS during the project selection process;
 - c. any other document requested by the Members of the Complaint Panel relevant to the complaint.
2. On behalf of the MA the JS informs the MC about the received complaint no later than within 10 calendar days.

Article 9 **Different steps and duration of complaint examination**

1. The meeting of the Complaint Panel is assembled by the Chair of the Complaint panel, no later than within 10 calendar days after the documents defined in Article 8 are provided. All the members shall be present at the meeting. The working language is Slovene.
2. The JS are invited to attend the meeting to present the position of documents prepared regarding the assessment process, according to Article 6(1) and to answer any questions.
3. The decision on whether the complaint is justified or to be rejected is taken by the Complaint Panel by consensus of all the members. In case it is justified, the Application Form shall be sent back to the selection process. The MA shall than provide the MC with the new assessment on the basis of which the MC shall take decisions. The Complaint Panel has to provide the MC a written justification of the decision with explicit reference to the criteria established under Article 3(3).



4. The decision of the Complaint Panel is communicated by the MA to the LP and by the JS on behalf of the MA to the MC within 10 calendar days after the decision by the Complaint Panel is reached. Communication shall be in Slovene and Croatian language.

Article 10 **Final decision**

1. The decision of the Complaint Panel is final, binding to all parties and not subject to any further complaint proceedings within the Programme based on the same grounds.

2. Received complaints do not interrupt the process of contracting the Subsidy Contract for the approved applications.

3. The complaint procedures set out above are without prejudice to any mechanism or process for legal redress at national level, in particular with regard to unsuccessful applicants. Where courts, public prosecution offices or other national institutions are competent in relation to the object of the complaint, the LP has the right to also turn to the relevant authorities.

4. The MA shall, upon request by the European Commission (EC), examine complaints submitted to the EC falling within the scope of their arrangements. The MA shall inform the EC, upon request, of the results of those examinations.