



Complaint¹ 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:
 - a. against the outcomes of the assessment of the project application and/or
 - b. against the supposed breach of the procedures for the project assessment and selection.
3. 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:
 - a. why the outcomes do not correspond to the information provided during the project assessment and selection process and/or
 - b. 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.

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.



4. 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 Partner².
2. The complaint should include:
 - a. name and address of the Lead Partner;
 - b. reference number of the application which is subject of the complaint (JEMS code);
 - c. clearly indicated reasons for the complaint (grounds), including proper justifications for each ground, in line and limited to those situations indicated under Article 3;
 - d. signature of the legal representative of the Lead Partner (only in electronic format);
3. 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).
4. 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

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.



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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 (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.