

Complaint Procedure

These rules define the procedure for a complaint against decisions taken by the Monitoring Committee (MC) regarding the approval of full project proposals (FPP) submitted under the call of Programme Priority 2 ‘Integrated Development of the Cross-Border Region’ of the INTERREG VI-A IPA Bulgaria Türkiye Programme 2021-2027.

IMPORTANT

A Subsidy contract will not be concluded before the complaint procedure is finalized.

In case of disagreement with the MC decision on the approval/disapproval of FPP, the Lead partner may submit to the Managing Authority (MA) a complaint against the MC decision upon receipt of the notification letter from the MA.

IMPORTANT

Only the project Lead partner as the one representing the project partnership is entitled to file a complaint. It is therefore the task of the Lead partner to collect and bring forward the complaint reasons from all project partners.

Complaint procedure may be initiated after the funding decision of the MC. Two types of complaints may be initiated:

1. Complaint on the administrative and eligibility screening

The complaint can only be lodged in case the Lead partner claims that the rejection of the project proposal on administrative compliance and eligibility screening is not in line with either the specific requirements or the selection criteria outlined in the Contracting Guide, or with the relevant information and the supporting documents provided by the applicant and supporting documents before the deadline under the Contracting Guide.

The official letter for complaint should be lodged to the MA scanned by e-mail, or by post or through courier service within maximum 7 (seven) working days after the Lead partner had been officially notified about the results of the screening process via the email address specified in Annex 4. Please, be informed that complaints, received after this deadline will not be reviewed.

The complaint must include:

- the name and address of the Lead partner,
- the reference number of the project proposal which is subject of the complaint,

- reference to specific criterion or number of criteria from the administrative and eligibility screening grid in the Contracting Guide, including listing of all elements of the screening which are being complaint
- concrete argumentation supporting the complaint (clearly described reasons for the complaint). The argumentation should refer either to the contracting criteria outlined in the Contracting Guide, or to information and the supporting documents provided by the applicant in the project proposal before the deadline under the Contracting Guide, i.e. the justification must refer to particular sections in the application form of the FPP and/ or supporting documents,
- the signature of the legal representative of the Lead partner.

In case supporting documentation is provided, it can serve for the sole purpose of supporting the complaint and may not alter the quality or content of the assessed application. Otherwise such documentation will not be considered.

No additional information (e.g. only the already provided one in the Application form and related attachments) will be taken into consideration during the review of the complaint.

IMPORTANT

Complaints will not be reviewed in case the above pointed formal requirements for submission are not observed.

2. Complaint on the project content screening

The complaint can only be lodged in case the Lead partner claims that the outcome of the project content screening is not in line with either the contracting criteria outlined in the Contracting Guide, or with the relevant information and the supporting documents provided by the applicant.

In order to initiate a complaint, the Lead partner should lodge an official letter for complaint to the MA by e-mail (scanned signed version), or by post or through courier service not later than 7 (seven) working days after the Lead partner had been officially notified about the outcomes of the screening process via the email address specified in Annex 4.

The grid, containing the answers of the contracting criteria and summarized comments of the assessors, is being sent by the MA to the Lead partner as attachment to the notification letter for projects screening results. After carefully examining the application of the contracting criteria and the reasons behind the answers and comments of the assessors, the Lead partner may officially lodge a complaint.

IMPORTANT

Failure to comply with the deadline specified above shall automatically result in rejection of the complaint without any further consideration.

The complaint itself must include:

- the name and address of the Lead partner,
- the reference number of the project proposal,
- reference to specific criterion or number of criteria from the screening grid in the Contracting Guide (listing of all elements of the screening which are being complaint),
- concrete argumentation supporting the complaint (clearly described reasons for the complaint).
The argumentation should refer either to the contracting criteria outlined in the Contracting Guide, or to information and the supporting documents provided by the applicant in the project proposal before the deadline under the Contracting Guide, i.e. the justification must refer to particular sections in the application form of the FPP and/ or supporting documents.,
- the signature of the legal representative of the Lead partner.

In case supporting documentation is provided, it can serve for the sole purpose of supporting the complaint and may not alter the quality or content of the screened application. Otherwise such documentation will not be considered.

No additional information (e.g. only the already provided one in the Application form and related attachments) will be taken into consideration during the review of the complaint.

IMPORTANT

Please, be informed that if the complaint does not observe the requirements given above, it will be considered non-admissible and will not be reviewed.

The two types of complaints shall be reviewed by a Complaint Panel, comprising of members of the Managing Authority, the National Authority and/or the Joint Secretariat.

For complaint on project administrative and eligibility screening the Complaint panel is the body responsible for verification of the admissibility of the complaint, examining the reasons for the complaint and for taking decisions on its relevance.

For complaint on the project content screening the Panel shall proceed with review of the complaint considered admissible and will examine the reasons for the complaint, the justification and evidence provided by the applicants and the initial screening of the project proposal in order to establish whether the complaint is grounded and reasonable.

If the complaint is found not only admissible (in view of the formal requirements for submission), but also grounded and reasonable, it will be further examined. The Complaint Panel might then:

- either take a decision for lack of grounds of the complaint, and in this case the initial screening for the specific criterion is confirmed,
- or take a decision that the complaint is grounded and justified by the applicant (for some or all of the criteria), based on the content of the project proposal, that the project is compliant regarding one or more specific criteria in the screening grid. In that case, a revision of the answers on the specific criterion is proposed based on assessment to what extent the available information and justification in the proposal satisfies the respective criterion.

For the two types of complaint the Complaint panel issues a final statement on the complaint, containing all findings. Upon conclusion of its work, the Panel shall issue a report on the findings, which should be submitted to the MC for approval.

The whole complaint procedure – from the official receipt of the complaint by the MA to the official communication of the final MC decision to the Lead partner shall take a maximum of 3 months.

IMPORTANT

The decision of the MC is final, binding to all parties and cannot be a subject to any further complaint proceedings based on the same grounds.

In case of disagreement with the MC of the above decisions on the approval/ rejection of the project proposal, the Lead partner have the opportunity to contest decisions of the MC before Bulgarian courts. The applicable procedure for appeal is according to the national legislation of Bulgaria in accordance with the procedures provided in the Administrative Procedure Code.