

# COMPLAINT PROCEDURE

## Rules of Procedure

### **Article 1** **“Scope of the complaint procedure”**

1. These Rules of procedure define a complaint procedure against the Monitoring Committee decision on project eligibility under the Programme Interreg Italy-Slovenia 2014-2020 (hereinafter referred as Programme), with regard to the Call for strategic projects n. 05/2018 (hereinafter referred as Call).
2. Complaints may be made if there is suspicion of failures during the project administrative and eligibility assessment process, i.e. if there is the case of missing or misleading compliance to administrative and/or eligibility criteria as defined in the Call (and its Assessment manual, sections 4.1. and 4.2).
3. A complaint shall not focus on:
  - a. quality assessment
  - b. decisions by the Managing Authority during project implementation according to the Subsidy Contract.
  - c. decisions by First Level Control, National Authority, Certifying Authority and Audit Authority.

### **Article 2** **“Right to file a complaint”**

1. Complaints against the Monitoring Committee decision on project eligibility shall be submitted on behalf of all project partners by:
  - a. the Lead Partner of ineligible project proposals
  - b. the Lead Partner of project proposals where one project partner is excluded.
2. Complaints received by project partners different from the Lead Partner shall not be taken into consideration.

### **Article 3** **“Form and feature of the complaint”**

1. Complaint must be submitted in written form in Italian and Slovene.
2. Complaint must be addressed to the Managing Authority:
  - a. from e-mail (PEC) to [economia@certregione.fvg.it](mailto:economia@certregione.fvg.it) (for Italian Lead Partners);
  - b. from ordinary e-mail to [economia@certregione.fvg.it](mailto:economia@certregione.fvg.it) (for Slovenian Lead Partners).
3. The email containing the complaint shall indicate in the object “complaint-Reclamo-Pritožba and acronym of the project proposal”.
4. The Complaint shall contain the specific factual and legal grounds on which the request is based, and specifically:
  - a. name and postal address of the claimant (legal institution, address, legal representative);
  - b. copy of the ID of the legal representative signing the complaint request if not signed digitally;
  - c. acronym of the project proposal, subject to the complaint;
  - d. clear reasons (legal arguments, factual grounds and its claims) at the basis of the complaint, indicating decision against which the complaint is filed, including clear reference to relevant Programme documents (Call, assessments manual, others),

- which according to the claimant are infringed by the Monitoring Committee decision at stake;
  - e. signature of the legal representative of the Lead Partner organisation;
5. No other supporting document is requested, other than what foreseen in point 4 of this article, and will not be examined. The Managing Authority will request additional documents/clarifications if needed.

**Article 4**  
**‘Timing for the submission of the complaint’**

1. The complaint must be submitted within 15 calendar days after the receipt of the notification email on reasons of ineligibility or reasons of project partner’s exclusion.

**Article 5**  
**‘Eligibility of the complaint’**

1. The Managing Authority/ Joint Secretariat shall:
- a. reject the complaint without examination if:
    - i. it was submitted beyond the deadline.
    - ii. it was received by project partners different from the Lead Partner
  - b. ask the Lead Partner to regularize the complaint if it is incomplete of one or more of its requested elements listed in article 3, point 4. In case the Lead Partner fails to regularize according to the timing given by the Managing Authority, the complaint is rejected.
2. The Managing Authority/ Joint Secretariat shall inform:
- a. the Monitoring Committee and the Complaint Panel - as defined in article 6 - that complaints have been received;
  - b. the claimant Lead Partner within **10 calendar days** from the receipt of the complaint if complaint is left unexamined as in point 1 a) and b) above.

**Article 6**  
**‘The Complaint Panel’**

1. The Monitoring Committee shall set up a Complaint Panel and appoint its members and their related substitutes, one per each member.
2. The scope of the Complaint Panel is to decide on those complaints considered eligible by the Managing Authority under provisions of article 5, point 1.
3. The Complaint Panel is made up of three (3) members:
- a. one representative (or his substitute) appointed by the Monitoring Committee’s Italian delegation,
  - b. one representative (or his substitute) appointed by the Monitoring Committee’s Slovene delegation,
  - c. one representative of the Managing Authority.

The Complaint panel will be assisted by the Programme legal advisor.

- The Joint Secretariat acts as the secretariat for the Complaint Panel, providing documents and information useful for the meeting, attending the meeting for the needed technical support and draw up the minutes of the panel meetings that include the Panel decisions and its clear reason/justification
4. Members of the Complaint Panel shall not be members of the Monitoring Committee, have not to be in conflict of interest towards the case under examination and shall sign a declaration on impartiality and confidentiality, at the first attendance of the Complaint Panel.
  5. The working language of the Complaint Panel is English.
  6. Once all the documents by the claimant LP are received as set in article 5, the Complaint Panel is convened by the Managing Authority, by providing the following documents:
    - a. a report explaining for what reasons the Managing Authority/Joint Secretariat consider the complaint grounded or not;
    - b. any other document useful and relevant for the Panel decision.
  7. The Complaint Panel shall meet and decide no later than **10 working days after invitation**.
  8. All the members of the Complaint Panel shall be present at the meeting. In the case the meeting cannot take place within the set deadline for unavailability of one of its member or substitutes, the Complaint Panel shall meet via skype or videoconference, either by phone call or adopt a written procedure in order to adopt a decision within the timeframe set in point 7 of this article.
  9. The Complaint Panel shall decide by consensus of the members.
  10. The Panel must reach a final decision whether the complaint is justified or is to be rejected and the relevant reason.
  11. The minutes on the Panel's decision shall be drafted and signed by the Panel's members within the deadline set in point 7 of this article for whatever method of decision making described in point 8.

#### **Article 7** **'Final decision'**

1. The decision of the Complaint Panel is communicated by the Managing Authority to the claimant Lead Partner and to the Monitoring Committee within 4 working days from the decision.
2. In the case of positive decision on the complaint, the project proposal is reintegrated in the list/s of eligible project proposals and it is submitted to the quality assessment. The integrated list/s of the eligible project proposals is published on the Programme website [www.ita-slo.eu](http://www.ita-slo.eu) .
3. The Panel's decision on the complaint is final, binding to all parties and not subject to any further complaint proceedings within the Programme if the complaint is based on the same grounds.