

## Complaint Procedure

These rules define the procedure for a complaint against decisions taken by the Monitoring Committee (MC) regarding the assessment process and selection of an operation.

### **IMPORTANT**

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

In case of disagreement with the MC decision on the approval/ placement on the reserves' list / rejection of the project proposal, the Lead partner may submit to 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 entitling 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 **at two stages** during the whole assessment and selection process:

#### 1. **Complaint after the administrative compliance and eligibility check**

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

The official letter for complaint should be lodged to the MA by fax, or scanned by e-mail, or by post or through courier service within **maximum 7 (seven) working days** after the date on which the Lead partner had been officially notified about the results of the administrative compliance and eligibility check via the email address specified in Annex A4. Please, be informed that complaints, received after this deadline will be rejected without further examination.

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 compliance and eligibility check grid in the Guidelines for Applicants, including listing of all elements of the assessment which are being complaint
- concrete argumentation supporting the complaint (clearly described reasons for the complaint). The argumentation should refer either to the selection criteria outlined in the Guidelines for Applicants, or to information and the supporting documents provided by the applicant in the project proposal before the deadline under the Call for Proposals, i.e. the justification must refer to particular sections in the Application form 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 be rejected without further examination in case the above pointed formal requirements for submission are not observed.**

The complaints shall be reviewed by a Complaint Panel, comprising of members of the MA, the National Authority and/or the Joint Secretariat. The Complaint panel is the body responsible for verification of the admissibility of the complaints, examining the reasons for the complaints and for taking decisions on their relevance.

The Complaint Panel issues a final statement on each 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 complaint procedure – from the receipt of the official complaint by the MA to the official communication of the final MC decision to the Lead partner should 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.**

**2. Complaint after the technical and quality assessment**

The complaint can only be lodged in case the Lead partner claims that the the scores received by the proposal on technical and quality assessment are not in line with either the selection criteria outlined in the Guidelines for Applicants, or with the relevant information and the supporting documents provided by the applicant before the deadline under the Call for Proposals.

In order to initiate a complaint, the Lead partner should lodge an official letter for complaint to the MA by fax, or scanned by e-mail, or by post or through courier service **not later than 7 (seven) working days** after the date on which the Lead partner had been officially notified about the results of the project selection process via the email address specified in Annex A4.

The technical grid, containing the average scores and summarized comments of the assessors, is being sent by the MA to the Lead partner as attachment to the notification letter for selection results. After carefully examining the application of the selection criteria and the reasons behind the technical scores and comments of the assessors, the Lead partner may officially lodge a complaint (in the same manner as above).

**👉 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 Technical and quality assessment grid in the Guidelines for Applicants (listing of all elements of the assessment which are being complaint),
- concrete argumentation supporting the complaint (clearly described reasons for the complaint). The argumentation should refer either to the selection criteria outlined in the Guidelines for Applicants, or to the information and supporting documents provided by the applicant in the project proposal before the deadline under the Call for

Proposals. This means that the justification must refer to particular section/s in the Application form and/or supporting documents (Annexes),

- 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**

**Please, be informed that if the complaint does not observe the requirements given above, it will be considered non-admissible and will be rejected without further examination.**

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

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 assessment 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 assessment 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 underestimated regarding one or more specific criteria in the technical and quality assessment grid. In that case, a revision of the score on the specific criterion is proposed based on assessment to what extent the available information and justification in the proposal satisfies the respective criterion.

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 and in accordance with the procedures provided in the Administrative Procedure Code.