

## **Attachment 5 - Complaint Procedure**

These rules outline the procedure for submitting a complaint against decisions made by the Monitoring Committee (MC) regarding the assessment and selection of an operation.

### **👉 IMPORTANT**

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

If the Lead Partner (LP) disagrees with the MC's decision on the approval or rejection of a project proposal, they may submit a complaint to the Managing Authority (MA) upon receipt of the official notification letter from the MA.

### **👉 IMPORTANT**

**Only the Lead Partner - as the official representative of the project partnership - is entitled to file a complaint. The LP is responsible for gathering and presenting the concerns of all project partners.**

A complaint can be initiated only after the full assessment and selection process is completed. There are two types of complaints:

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

A complaint may be submitted only if the LP believes that the rejection of the project proposal at the administrative compliance and eligibility check stage was:

- Not in line with the specific requirements or selection criteria outlined in the Guidelines for Applicants.
- Not in accordance with the information and supporting documents provided in the project application before the Call for Proposals deadline.

To initiate a complaint, the LP must send an official complaint letter to the MA via scanned email (at the email address specified in Annex A4), post, or courier service **within seven (7) working days from the date of receiving the official project selection results.**

Please, be informed that late complaints will not be considered.

The complaint must include:

- Name and address of the Lead Partner.
- Reference number of the project proposal.
- Specific selection criterion or criteria from the Administrative Compliance and Eligibility Check Grid in the Guidelines for Applicants.
- Detailed reasoning for the complaint, clearly referring to relevant sections of the Application Form and supporting documents submitted before the deadline.
- Signature of the Lead Partner's legal representative.

Any supporting documents submitted with the complaint must only support the existing application and cannot modify its quality or content.

No additional information beyond what was originally submitted in the Application Form and attachments will be considered during the complaint review.

**📌 IMPORTANT**

**Complaints will be rejected without further examination in case the above pointed formal requirements for submission are not met.**

## **2. Complaint on the technical and quality assessment**

A complaint regarding the technical and quality assessment can only be lodged if the Lead Partner believes that the evaluation of the selection criteria applied to their proposal does not align with:

- The selection criteria outlined in the Guidelines for Applicants, or
- The information and supporting documents provided in the project proposal before the deadline

The Lead Partner must submit an official complaint letter to the Managing Authority (MA) via scanned email, post, or courier service **within seven (7) working days from the date of receiving the official project selection results**. The submission must be sent to the email address specified in Annex A4.

The technical assessment grid, which contains the scores and summarized comments of the assessors, will be attached to the notification letter sent by the MA to the Lead Partner. After carefully reviewing the assessment criteria and justifications provided, the Lead Partner may proceed with lodging a formal complaint.

**📌 IMPORTANT**

**Complaints that do not comply with the formal submission requirements will be rejected without further examination. Failure to meet the seven-day deadline will result in automatic rejection of the complaint without further consideration**

The complaint must include:

- Name and address of the Lead Partner.
- Reference number of the project proposal.
- Specific selection criterion or criteria from the Technical and Quality Assessment Grid in the Guidelines for Applicants (listing all disputed elements of the assessment).
- Clear justification for the complaint, explicitly referring to:
  - The selection criteria outlined in the Guidelines for Applicants, and/or
  - The information and supporting documents submitted in the original project proposal (with references to specific sections in the Application Form and/or Annexes).
- Signature of the Lead Partner's legal representative.

Any supporting documentation provided with the complaint must only serve as evidence and cannot alter the quality or content of the originally assessed application. Otherwise, such documentation will not be considered.

No additional information beyond what was originally submitted in the Application Form and attachments will be taken into account during the complaint review.

**📌 IMPORTANT**

**Any complaint that fails to meet the outlined requirements will be deemed unacceptable and will be rejected without further examination.**

All complaints will be reviewed by a Complaint Panel, which consists of representatives from the Managing Authority (MA), the National Authority (NA), and/or the Joint Secretariat (JS).

For Complaint on Administrative Compliance and Eligibility Check, the complaint panel is responsible for:

- Verifying the admissibility of the complaint.
- Examining the grounds and reasoning behind the complaint.
- Deciding on the relevance of the complaint.

2. For Complaint on Technical and Quality Assessment, the complaint panel is responsible for:  
If a complaint is deemed acceptable, the Complaint Panel will:

- Review the reasons, justifications, and evidence presented by the applicant.
- Examine the initial assessment of the project proposal to determine whether the complaint is well-founded and reasonable.

If the complaint is found to be both acceptable and justified, the Complaint Panel may:

- Confirm the initial assessment if no valid grounds for the complaint are found,
- Uphold the complaint (fully or partially), recognizing that the project meets one or more specific criteria in the Technical and Quality Assessment Grid based on the information originally provided in the application. In such cases, a revision of the assessment for the disputed criterion may be proposed.

For both types of complaints, the Complaint Panel will issue a final statement containing all findings. Once its work is concluded, the Panel will submit a report to the MC for approval.

The entire complaint procedure, from the official receipt of the complaint by the MA to the final decision of the MC, will be completed within a maximum of three (3) months.

**📌 IMPORTANT**

**The decision of the MC is final and binding on all parties. No further complaints may be submitted on the same grounds.**

If the LP disagrees with the MC's decision on the approval or rejection of a project proposal, they have the right to contest the decision in Bulgarian courts. The appeal process follows the national legislation of Bulgaria and the provisions of the Administrative Procedure Code.