



Complaint procedure according to Art. 74 (3) CPR

North Sea Region programme 2014-2020

Article 1 (Scope of the complaint procedure)

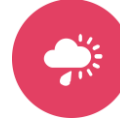
1. These rules define the procedure for a complaint against decisions taken by programme authorities during the project assessment and selection process. The purpose of the procedure is to ensure effective examination of complaints.
2. Any complaint against a decision of the Managing or Certifying Authority of the programme during project implementation based on the subsidy contract concluded between the Managing Authority and the Lead Beneficiary follows the rules laid down in the subsidy contract.
3. Complaints related to First Level Control, Second Level Control and Audit have to be lodged to the responsible national authority according to the applicable national rules.

Article 2 (Right to complain)

1. Only the project's Lead Applicant, as the organisation representing the project partnership affected by the funding decision, is entitled to file a complaint.
2. It is therefore the task of the Lead Applicant to collect and bring forward the reasons for filing a complaint from all project partners.

Article 3 (Complaint against funding decisions)

1. The right to complain against a decision regarding project selection procedures applies to any Lead Applicant whose project application was not selected for programme co-financing during the project assessment and selection process. This right also applies to any Lead Applicant whose project application was approved for programme co-financing but with conditions set by the Steering Committee if there is a disagreement over these conditions which cannot be resolved during the contracting process between the Managing Authority and Lead Applicant.
2. The complaint is to be lodged against the decision letter issued by the programme based on the decision by the Steering Committee.
3. A complaint can only be filed on one of the following grounds:
 - a. If the outcomes of the technical and/or quality assessment of the project application, based on the selection criteria approved by the Monitoring Committee, do not correspond to the information provided by the Lead Applicant in the project application and/or
 - b. If the project assessment and selection process failed to comply with the specific procedures laid down in programme documents and if it can be demonstrated that this materially affected or could have materially affected the decision.



Article 4 (Lodging the complaint and formal requirements)

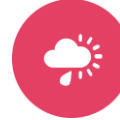
1. The complaint should be lodged in writing by e-mail to the Managing Authority of the programme within 14 calendar days of the Lead Applicant being officially notified of the results of the project selection process.
2. The complaint must include:
 - a. The name and address and contact details of the Lead Applicant
 - b. The reference number assigned by the programme to the application and the project acronym
 - c. A clear indication of the reasons for the complaint, including a list of all elements of the assessment which are subject to the complaint and/or the failures in procedure according to the criteria mentioned in Article 3(3)
 - d. Signature of the legal representative of the Lead Applicant
 - e. Any supporting documents (maximum 10 pages)
3. Relevant documentation shall be provided for the sole purpose of supporting the complaint and may not alter the quality or content of the original assessed application.
4. No other grounds for the complaint than those indicated in Article 4(2c) will be taken into account during the complaint procedure.

Article 5 (Rejection without examination)

1. 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.
2. In case the complaint is rejected under the provisions set in this Article 5(1), the Managing Authority will convey this information within 14 calendar days to the Lead Applicant and inform the Monitoring Committee and Steering Committee.

Article 6 (Handling of complaints by the Managing Authority/Joint Secretariat)

1. Within 14 calendar days of receipt of the complaint, the Managing Authority will confirm to the Lead Applicant in writing that it has received the complaint. The MA will at the same time notify the Monitoring Committee and Steering Committee.
2. The Managing Authority, assisted by the Joint Secretariat, will examine the complaint and prepare a technical report regarding the merit of the complaint.
3. In case the technical report concludes the complaint to be unjustified the Lead Applicant will be informed by the MA accordingly. If the Lead Applicant does not disagree within 14 calendar days in writing by e-mail to the MA the complaint will be closed.
4. Complaints which have been concluded to be justified as an outcome of the technical report (Article 6(2)) and complaints where the Lead Applicants disagrees to its closure (Article 6 (3)) will be examined by a Complaint Panel to be convened for this purpose. Examination will take place on the basis of the information brought forward by the Lead Applicant and the report prepared according to Article 6(2).



Article 7 (Complaint Panel)

1. The Complaint Panel is the only body entitled to review a complaint against a decision on the assessment and selection of projects co-financed by the programme.
2. The Complaint Panel comprises of 3 members – the current, past and future Chairpersons of the Monitoring Committee.
3. The impartiality of members of the Complaint Panel towards the case under review will be ensured. Where there is any potential conflict of interests, the panelist concerned shall refrain from reviewing the case in question and may be replaced by another impartial panelist.
4. The Joint Secretariat acts as the secretariat for the Complaint Panel and provides any assistance necessary for review of the complaint.

Article 8 (Examination of complaint by Complaint Panel)

1. The Managing Authority shall provide the Members of the Complaint Panel no later than 30 calendar days after receipt of the complaint with a copy of:
 - i. The complaint and the technical report by the Managing Authority as defined in Article 6(2)
 - ii. The original application form and all supporting documents that were taken into consideration during the project assessment and selection process
 - iii. All documents relating to the assessment of the application in question including checklists and the record of the Steering Committee's decision
 - iv. Any other document requested by the Members of the Complaint Panel which is relevant to the complaint.

Article 9 (Decisions and duration of complaint examination)

1. A meeting of the Complaint Panel will be convened by the Chair of the Monitoring Committee no sooner than 21 calendar days after the documents defined in Article 8 are provided and no later than 90 calendar days after the complaint was lodged.
2. The Managing Authority and/or the Joint Secretariat will be invited to the meeting to present the position of the technical report according to Article 6(2) and to answer any questions.
3. The Complaint Panel may decide to invite the Lead Applicant for a hearing. The representatives of the Managing Authority and Joint Secretariat have the right to respond to any statement by the Lead Applicant. Members of the Complaint Panel may request clarifications from both parties (Lead Applicant and Managing Authority/Joint Secretariat).
4. The decision on whether the complaint is justified or should be rejected is taken by the Complaint Panel by consensus. Where it is decided that the complaint is justified, the application will be sent back to the next meeting of the Steering Committee to review the project application and its assessment and take a decision on whether to approve the application. The Complaint Panel will provide the Steering Committee with a written justification and explicit reference to the criteria established in Article 3(3).



5. The decision of the Complaint Panel will be communicated by the Managing Authority in writing to the Lead Applicant and the Monitoring and Steering Committees within 14 calendar days.
6. The complaint procedure – from the receipt of the complaint according to Art. 4(1) to the communication of the Complaint Panel's decision to the Lead Applicant according to Article 9(5) – should be resolved within maximum 100 calendar days.

Article 10 (Final Decision)

1. The decision of the Complaint Panel is final, binding to all parties and not subject to any further complaint proceedings within the programme based on the same grounds.