

Complaint Panel of the Interreg V-A Greece – Bulgaria 2014-2020 Programme

The Monitoring Committee of the Cooperation Programme V-A Greece-Bulgaria 2014-2020

Having regard to:

1. The Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (CPR),
2. The Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal;
3. The Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006;
4. The rules of procedure of the Monitoring Committee of the Cooperation Programme V-A Greece-Bulgaria 2014-2020 as adopted with the Decision of the Monitoring Committee on the 4th of November 2015.
5. The Law 4314/2014 (ΦΕΚ 265/τΑ/23-12-2014) of the Hellenic Republic, regarding the management, the control and the implementation of the development interventions for the 2014-2020 programming period, as in force, and in particular article 9 B par.2 c.
6. The European Commission's approval of the Interreg V-A Greece – Bulgaria 2014-2020 Programme (reference: C(2015) 6283 / 9.9.2015),
7. The Common Decision ref. 300488/MA 1244/ 6.4.2016 (ΦΕΚ 1099/τΒ/19-4-2016) of the Ministers of Finance and Economy, Development and Tourism of

the Hellenic Republic, regarding the Management and Control System of the 'European Territorial Cooperation' Programmes,

and in agreement with the Managing Authority of the Cooperation Programme, in order to establish a Complaints' Committee for the Cooperation Programme V-A Greece-Bulgaria 2014-2020.

Adopts the following decision

Article 1

Scope of the Complaint Panel

1. The two Member States participating in the Programme shall ensure that effective arrangements are put in place for the examination of Complaints submitted by Lead Applicants (Complainants) of project proposals against the Decisions of the Monitoring Committee of the Programme regarding the assessment and the selection of operations to be funded by the Programme so as to ensure fair, just and unbiased treatment of all project proposals, in line with the Programme provisions.
2. According to the Implementing Provisions of Section 5 of the Interreg V-A Greece – Bulgaria 2014-2020 Programme a Complaint Panel for the examination of the aforementioned Complaints is foreseen.
3. The Complaint Panel is the only body entitled to examine the admissibility of the complaints, the legality of the actions against which the complaints are launched and the legal and factual arguments and claims of the complaints.

Article 2

Establishment of the Complaint Panel and Decision making procedure

1. The Complaint Panel is different and independent from the Monitoring Committee.
2. The Complaint Panel is composed of three members:

- a. the Head of Unit B1 or a member of the MA appointed by the Head of the MA as a substitute.
 - b. A representative of the Bulgarian National Authority (Ministry of Regional Development and Public Works) or a substitute, appointed according to the Bulgarian national procedure.
 - c. the JS coordinator or a member of the JS appointed by the Head of the MA as a substitute.
2. All three members will sign a declaration of impartiality, confidentiality and a declaration regarding no conflict of interest.
 3. The Complaints' Committee will be chaired by representative of the MA, Head of Unit B1.
 4. The Complaint Panel shall try to reach a conclusion on the complaints by consensus. In the absence of a consensus, the simple majority rule is applied.

Article 3

Management of the Complaints

1. The Lead Applicant of a project proposal, as the representative of the project beneficiaries, may submit a complaint against any of the Decisions of the Monitoring Committee regarding either the admissibility and eligibility of the project proposals or the qualitative assessment and selection of operations to be funded by the Programme, in writing, presenting all its legal arguments, factual grounds and its claims, once, to the Managing Authority/Joint Secretariat (MA/JS) within seven (7) working days, following the official notification of the relevant Decision of the Monitoring Committee by the Joint Secretariat. If a complaint is submitted after that deadline it will be rejected without further examination.
2. Regarding the admissibility of the complaint, it should include:
 - a. the name and address of the Lead Applicant,
 - b. title and acronym of the project proposal concerned;
 - c. the date of its submission, signature and stamp of the legal representative of the Lead Beneficiary.

Supporting documentation may not be provided with the complaint, in order to correct deficiencies identified in the assessment process already made of the project proposal in question and provide new information. Any new information and documentation provided will not be taken into consideration.

3. The MA/JS shall provide the Complaint Panel with:

- a. the complaint of the Lead Applicant
- b. the original application form and all supporting documents that were taken into consideration during the project assessment and selection process
- c. all documents relating to the assessment of the application in question and the record of the Monitoring Committee's decision,
- d. any other document requested by the members of the Complaint Panel relevant to the complaint.

4. The Complaint Panel will examine and evaluate the legal and factual argument(s) and claims of the complaint, will form its opinion and reach a conclusion on the complaint.

5. The Complaint Panel will not perform a quality assessment or re-evaluation of the project proposal.

6. The Complaint Panel submits its conclusions on the justifications of the complaint to the Monitoring Committee of the Programme within fifteen (15) working days from the last date indicated for the submission of complaints.

7. The Monitoring Committee examines the conclusion reached by the Complaint Panel and takes a decision on whether to accept it or reject the complaints within five (5) working days following the submission of the Complaint's Panel conclusions.

a. In case a complaint is accepted by the Decision of the Monitoring Committee, the MA/JS shall be requested to re-assess the project proposal in question. In such a case an evaluation of the given project proposal will be performed by the Coordinator of the Joint Secretariat or by a staff member of the JS that was not involved in the evaluation of the given project proposal in the first place. The Monitoring Committee, on the basis of the results of the re-evaluation of the given project proposal, may review its initial Decision on the selection of the operations to be funded by the Programme.

b. In case a complaint is rejected by the Decision of the Monitoring Committee, this decision is final and binding to the Complainant and it may not be subjected

to a second similar complaint procedure. The initial Decision of the Monitoring Committee regarding the selection of operations becomes final.

8. If the Monitoring Committee does not reach a decision on the complaints submitted within the above indicated deadline, then it is deemed that it tacitly accepts the conclusion of the Complaint Panel. In such a case:

a. if the conclusion of the Joint Complaints Committee accepts the claims of the complaint then the MA/JS proceed according to the procedure described in par. 7a.

b) If the conclusion of the Joint Complaints Committee rejects the claims of the complaint then the initial Decision of the Monitoring Committee regarding the selection of operations to be funded by the Programme becomes final.

9. Once a complaint is submitted and a decision is reached on the matter by the Monitoring Committee of the Programme according to the above mentioned procedure, the same Complainant has exhausted its right to submit a complaint, not only on the same grounds but on any grounds against the final Decision of the Monitoring Committee of the Programme regarding the selection of operations to be funded by the Programme.

10. The MA/JS shall notify to the Complainant the decision of the Monitoring Committee's on the complaint, immediately. In case the complaint is accepted, the Complainant is informed of the relevant procedure for the re-evaluation of the project proposals that the Monitoring Committee of the Programme will proceed with. In case the complaint is rejected, it informs the Complainant of its legal rights before the competent Greek Courts and the relevant procedure under the Greek Administrative law, since the official seat of the MA is located in Greece, according to the Programme.

Article 4

Final Provisions

1. Secretariat duties to the Complaint Panel will be performed by the Programme's Joint Secretariat.
2. Any expenses incurred as a result of the works of the Complaint Panel will be covered by the Programme's Technical Assistance Budget.