



PROGRAMME MANUAL

RESOLUTION OF COMPLAINTS

	Content of the modification	Date of the update
V3	Inclusion of the possibility of using an online service, known as « Télérecours Citoyens », to communicate electronically with the Administrative Courts.	February 2019
V2	Update of the JS email address	October 2018
V1	-	January 2017

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Resolution of complaints

The procedures set in place for the resolution of complaints are differentiated according to the object of the complaint.

COMPLAINTS RELATED TO THE ASSESSMENT AND SELECTION PROCEDURE

Lead Partners of rejected project proposals will be informed in writing about the decision of the Steering Committee, providing details on the reasons why an application was not eligible or approved, according to the information included in the related factsheet.

Any complaint related to the assessment and the selection of the proposals shall be submitted in either French or English by the Lead Partner as the representative of the project partnership affected by the funding decision. It is therefore the task of the Lead Partner to collect and bring forward the complaint reasons from all project partners.

The right to complain applies to the Lead Partner whose project application was not selected during the project assessment and selection process. It applies also to the projects approved under conditions, this only if no agreement on the conditions can be reached during the contracting process between the Managing Authority/Joint Secretariat and the Lead Partner.

The complaint can be lodged only against the following criteria:

- a. the assessment and the selection of the proposal, based on the criteria approved by the Monitoring Committee, do not correspond to the information provided by the Lead Partner during the project assessment and selection process; and/or
- b. the project assessment and selection process failed to comply with specific procedures laid down in the Cooperation Programme, the Programme Manual and the Terms of Reference of the concerned call that materially affected or could have materially affected the decision.

The complaint should be lodged in writing by e-mail (programme_med@maregionsud.fr) with the function of confirmation of receipt to the Managing Authority of the Interreg MED Programme within 2 calendar months after the Lead Partner had been officially notified by the Managing Authority about the results of the project selection process. If a complaint is submitted after that deadline it will be rejected without further examination. This decision can also be contested and may be brought to the Administrative Court of Marseilles within two months starting from the date of the notification.

The complaint should include:

- a. name and address of the Lead Partner;
- b. reference number of the application which is a subject of the complaint;
- c. clearly indicated reasons for the complaint, including listing of all elements of the assessment which are being complained and/or failures in adherence with procedures limited to those criteria mentioned previously;
- d. date, signature and stamp of the legal representative of the Lead Partner;
- e. any supporting documents.

No other grounds for the complaint than those criteria indicated above will be taken into account during the complaint procedure.

The Managing Authority/Joint Secretariat examine the complaints on the basis of the information brought forward by the Lead Partner in the complaint lodged and the supporting documents. It

may involve the Monitoring Committee if necessary. If a beneficiary from an EU territory outside the Programme area lodges a complaint, the competent national/regional authority will be informed by the MA/JS of all stages of the procedure.

The decision, based on French law, of acceptance or rejection of the complaints is made by the Managing Authority and communicated to the Monitoring Committee. The Lead Partner is notified about the decision within 2 months.

In case of acceptance of the complaint, the case will be sent back to the Steering Committee to review the project application and its assessment.

COMPLAINTS RELATED TO DECISIONS MADE DURING THE PROJECT IMPLEMENTATION

Any complaint in relation to decisions made by the Managing Authority/Joint Secretariat on the basis of the Subsidy Contract or Monitoring Committee decisions will follow the rules laid down in the Subsidy Contract concluded between the Managing Authority and the Lead Partner. In principle, the complaint shall be submitted by the concerned partner to the MA/JS that will examine and provide in due time an answer (in collaboration with the MC, if necessary).

Where courts, public prosecution offices or other national institutions are competent in relation to the object of the complaint, the beneficiary has the right to turn also to these authorities in France, where the MA/JS are located.

The Administrative Court can also be contacted through the online application « Télérecours Citoyens » accessible via the website www.telerecours.fr (available only in French).

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.¹

¹ For further information about these specific complaint procedures please contact the concerned National Contact Point and check the national information included on www.interreg-med.eu.