



FactSheet

No. 3.4

Resolution of complaints

Background

According to article 74 (3) of Regulation (EU) No 1303/2013 ESI-funded programmes shall ensure that effective arrangements for the examination of complaints are in place. This factsheet provides project applicants and participants of approved projects with more information and practical guidance regarding scope, rules and procedures for the resolution of complaints related to decisions of the responsible bodies involved in the Alpine Space programme.

The procedures set in place by the Alpine Space Programme for the resolution of complaints are differentiated in relation to the matter concerned:

- complaints related to decisions of the programme committee on project evaluation and selection,
- complaints concerning programme decisions related to project implementation,
- complaints related to financial controls.

Resolution procedures

Complaints related to project evaluation and selection

The managing authority/joint secretariat informs the lead applicant about the results of the project evaluation after step 1 and step 2 of the project selection process (see factsheet project selection: procedure and criteria). The communication of such results is accompanied by a clear indication of the reasons for failure



(ineligibility or rejection of the proposal). In case of rejection, the communication is accompanied by an assessment report.

Should the project applicants want to receive clarifications on the evaluation results or should they be of the opinion that the evaluation criteria and project selection process laid down by the programme have not been correctly applied, the following procedure should be followed.

The lead applicants are strongly recommended to get back to the JS to receive more information on the results of the project evaluation within the timeframe given for submitting a complaint (see below). Experience has shown that such exchanges lead to a quick clarification of these issues without any administrative burden.

If applicants are not satisfied with the explanations given and still are of the opinion that the project selection criteria and process were not applied correctly, a complaint can be submitted. The complaint can be lodged only against the outcomes of the eligibility check and related PC decision. Complaints concerning the quality assessment (selection criteria) of the project and the related decision of the programme committee cannot be reviewed. However, as set out above the applicants may request further information from JS on the reasons for rejection.

A complaint can only be submitted by the project's lead applicant, as the organisation representing the project partnership affected by the decision of the programme committee to reject the project proposal. It is therefore the task of the lead applicant to collect and bring forward the reasons for filing a complaint from the project partners. The complaint is to be lodged against the communication of MA/JS informing on the decision taken by the programme committee. The complaint shall be submitted in the programme language, and in writing (scanned letter transmitted by e-mail) to the managing authority (<mailto:alpine.space@salzburg.gv.at>) within 14 working days in the country of the lead applicant after it has been officially informed by the MA/JS on the results of the project selection process. The deadline for submission is interrupted by the written request of the LP (e-mail is sufficient) for further information to JS until the day of the reply by JS; the MA shall be in copy in all communications between LP and JS.

The MA will send a confirmation of receipt of the complaint within 3 working days and inform the PC.

The complaint must include the following information:

- the name, address and contact details of the lead applicant,
- the reference number assigned by the programme to the expression of interest or project application and the project acronym,
- a clear indication of the reasons for the complaint and arguments to support the complaint,
- the signature of the legal representative of the lead applicant,



A complaint will be rejected without further examination if submitted after the deadline or if the formal requirements described above are not observed. If the complaint contains incomplete information the MA may request for such further information. Information has to be provided within 5 working days. If such information is not provided within the given period the case will be closed without any further investigation.

The managing authority will examine the complaint, with support of the JS and in consultation with the chair of the programme committee as well as the PC member of the LP country. It will decide if the complaint is justified or not and inform the PC on the decision. The complaint may also be referred to the entire PC for decision making. If the complaint is deemed justified MA/JS will review the parts of project application and evaluation which are affected by the complaint and will provide the PC with an updated evaluation on which basis the PC will take a new decision. The MA will take care that this review process runs as quickly as possible and provide the lead applicant with written information on the result of its complaint. The decision will be final, binding to all parties and is not subject to any further complaint procedure within the programme.

Complaints concerning project implementation

The lead partner, on behalf of the project partnership, may raise complaints against decisions of the programme during project implementation that are based on the subsidy contract concluded between the managing authority and the lead partner.

The MA will examine the complaint with support of the JS on basis of the information brought forward by the LP via e-mail to the managing authority (<mailto:alpine.space@salzburg.gv.at>) If the issue cannot be solved between MA and LP, the LP can address the competent court in Salzburg considering the rules as laid down in the subsidy contract and relevant provisions of the applicable Austrian law (see article 14 paragraph (6) and (7) of the subsidy contract).

Complaints related to financial controls

Complaints related to a decision of control and audit bodies (see factsheet financial control system) have to be submitted by the affected project participant to the responsible body and according to the applicable procedures set up at national and EU-level.



Reference Documents

- Cooperation programme “Alpine Space”, section 5.3.
- Factsheet 2.3. project selection: procedure and criteria
- Factsheet 3.2. subsidy contract
- Factsheet 4.1. financial control system