

Fact sheet 7: Complaint procedure

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The complaint procedure aims at ensuring that when a complaint is submitted to the Programme, a fair, reliable and formal procedure is in place regarding not only the selection of operations but also programme/project implementation. Applicants have the opportunity to informally or formally complain about the programme PMC’s decision when a project is not selected for funding or about programme/project implementation.

The general public may report suspected fraud related to the programme on the electronic “Complaints” tab (www.atlanticarea.eu) or sent through other entities.

In most cases, complaints concern some kind of doubts, misunderstandings that can easily be solved through informal clear explanation of the decision or procedure carried out. The formal complaint procedure should be the last option after full information and explanations have been provided to the applicant by the JS or the MA.

7.1 Complaint procedure for the application/selection phase

Following the decision of programme PMC not to approve a project, the applicant (Lead Partner) will be informed by means of a notification e-mail/letter sent by the JS, stating the main reasons for this decision. The opportunity for the applicant to receive further clarification on the decision shall be mentioned in this notification.

The complaint procedure applies to calls operating a one or two stage application process, to projects not approved in each phase, having an independent procedure.

Informal stage

The JS is contacted in writing, by phone or in an informal meeting where the complainant explains the situation he/she wishes to bring forward, for the respective programme body to provide information and clarifications on the decision/ procedure.

- ✓ An informal complaint procedure may be initiated within 15 days¹ after the project notification concerned. Reply shall be done within 15 days²¹ after receiving the informal complaint.

Formal stage 1 - Complaint to the JS

If the result of the informal stage is not satisfactory, the complainant may present a formal complaint through the email atlantico.complaints@atlanticaarea.eu. This will lead to a formal written answer by the JS, clarifying the basis of the decision taken by the PMC regarding the project selection decision.

- ✓ A formal complaint to the JS may be done within 30 days²¹ after the project notification of the decision. Reply shall be done within 15 days²¹ after receiving the formal complaint.

Formal stage 2 - Appeal to the PMC

If the complainant is not satisfied with the conclusions of the JS, he/she may appeal to the PMC. The formal complaint must be submitted to the PMC Presidency which is displayed on the [programme website](#) clearly explaining the grounds upon which an examination is being requested.

- ✓ A formal appeal to the PMC must be presented within 45 days²¹ after the project notification of the decision; the conclusions of the appeal will be communicated to the complainant in writing by the JS (on behalf of the PMC) within 30 days²¹ following the submission of the appeal complaint.

7.2 Complaint during the Programme/project implementation

Complaints related to management verifications, both administrative and *in situ*, and to audit operations have to be lodged against the responsible authority according to the applicable rules.

Complaints against a decision of the MA/JS will follow these principles:

- ✓ The MA/JS and the partner shall do everything possible to settle amicably any dispute arising between them during project implementation and the application of the subsidy contract;
- ✓ If no amicable agreement is reached, the dispute is submitted to the PMC in order to attempt a conciliation between the involved parties;

¹ Calendar days.

- ✓ In the event of failure of the above procedure, each party may submit the dispute to the courts. The place of jurisdiction is, as defined in the subsidy contract.

7.3 The general public / electronic “Complaints”

The general public may submit a complaint online *via* the specific email atlantico.complaints@atlanticarea.eu. Alternatively, the complaint may be addressed to national entities. In all the MS participating in the Programme there is a channel for registering anti-fraud complaints. In Portugal, where the MA is located, complaints can be made in the *Portal do Ministério Público – Departamento Central de Investigação e Ação Penal* (DCIAP) or in the “Curador do Beneficiário” website. Complaints can also be submitted by letter or e-mail addressed to the Board of Directors of AD&C (agencia@adcoesao.pt). Confidentiality is guaranteed.

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Abbreviations used in the Programme Manual

AA	Audit Authority
AD&C	Agência para o Desenvolvimento e Coesão
CA	Certifying Authority
CCDR-N	Comissão de Coordenação e Desenvolvimento Regional do Norte
CPR	Common Provisions Regulation
DCLG	Department for Communities and Local Government
EOI	Expression of Interest
ERDF	European Regional Development Fund
ESI	European Structural and Investment Funds
ETC	European Territorial Cooperation
EU	European Union
FLC	First Level Controller
GBER	General Block Exemption Regulation
GoA	Group of Auditors
IGF	Inspeção Geral de Finanças
IPR	Intellectual Property Rights
JS	Joint Secretariat
MA	Managing Authority
MS	Member State
NC	National Correspondents
NCP	National Contact Points
PAF	Project Approved Form
PMC	Programme Monitoring Committee
SIGI	Integrated management information system
SME	Small and Medium Enterprises
WP	Work Package