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INTERREG IVA Programme

Guidance Note on Project Review G2/IIVA

1.0 Introduction

This Guidance Note details the Review procedure that will be implemented in the event that an applicant wishes to appeal the decision of the Steering Committee, as agreed by the Programme Monitoring Committee at its first meeting on 6 November 2007.

- 1.1 The procedure will be administered by a Review Panel which will be constituted independently of the Steering Committees.
- 1.2 The purpose of the Review Procedure is to ensure that the decisions taken and procedures followed by Steering Committees for individual applications are applied fairly and consistently. The Review will provide an independent process through which an applicant will have the opportunity to demonstrate to the Review Panel that **either:**

- the outcome was unreasonable **or**
- that the proper procedures were not followed.

Appeals on any other ground will not be considered.

2.0 The Review Procedure

2.1 Following the decision to reject an application, the applicant will be informed in writing stating the reasons for the decision. The Steering Committee will justify the decision and the applicant will be officially notified by SEUPB (Joint Technical Secretariat) (JTS) in writing stating the reasons for the decision.

2.2 The applicant should also be provided with:

- the detailed information on the scoring of the project;
- an opportunity for a de-briefing as outlined in point 2.3 below;
- a copy of the review procedures.

2.3 At the de-briefing session the applicant alone should be afforded the opportunity to discuss, either over the telephone or in a meeting, the reasons for rejection with a member of staff from JTS. During this discussion, the scoring and the basis for the decision taken should be clearly communicated to the applicant.

2.4 It is expected that a de-brief meeting will be conducted by JTS no later than 28 days following receipt of a rejection letter. At the de-briefing session the applicant should also be informed of the formal Review Procedure and advised that a decision will be reviewed only under the following criteria:

- The outcome was a decision that no reasonable person would have made on the basis of the information provided to the Steering Committee ; and/or
- That there was a failure in adherence to procedures or systems that materially affected or could have materially affected the decision.

3.0 Conducting the Review

3.1 The process detailed below applies to programmes operating a one stage application process. For programmes operating a two stage application process, this procedure also applies to projects rejected at stage two (see section 4 for further details).

3.2 A review can only be requested following a debrief by a member of staff from JTS. Any request for a Review should be made in writing **within 14 days** after the debriefing discussion has been held. The request must be made by the applicant and clearly demonstrate the grounds upon which a review is being requested – as outlined in paragraph 2.4 above.

3.3 Upon receipt of a written request for a review SEUPB (Managing Authority) will convene the Review Panel which is independent from the Steering Committees. The Review Panel will comprise of four members, the Chair of the Monitoring Committee, two other Monitoring Committee members and one independent representative, none of whom were involved in the original selection process.

3.4 The Review Panel will receive all the documentation considered by the Steering Committee at least 10 days in advance of the meeting. This will include signed documentation relating to all stages of the selection process, the record of the reasons for the Steering Committee decision and a copy of the written request for the review.

3.5 The applicant has the right to attend the Review Panel meeting but not to be represented by lawyers or other advisers. The applicant may present the case for review to the Panel. The presentation will normally be for no more than ten minutes. The JTS will have a right to respond to any such presentation. The Review Panel may ask questions of clarification of any participant. The applicant and the JTS will then withdraw from the room and the Panel will discuss and reach a decision. The Review Panel can proceed even if the applicant, the JTS or any of the same is absent.

- 3.6 SEUPB (Managing Authority) will act as secretariat to the Review Panel and will provide advice and guidance as required. The Review Panel may seek independent legal or other professional advice if required.
- 3.7 The Review Panel will convey its decision to the applicant in writing within 7 days of its meeting. The minutes of the Review Panel will then be placed onto the SEUPB website.
- 3.8 The decision of the Review Panel will be binding on the applicant and the Steering Committee and shall not be subject to any further Review or appeal within the Programme.
- 3.9 The Review must be completed within eight weeks of receipt of the request for a review unless it is not practical to do so.

4.0 Amended Review Process for Programmes Operating a Two Stage Application Process

- 4.1 In an effort to improve the quality of applications and the processing time for projects, the SEUPB may operate a two stage application assessment process.
- 4.2 The SEUPB will operate an amended Review Process, subject to Programme Monitoring Committee approval, for applications being considered under a two stage process, which will ensure that reviews are carried out in a timely and efficient manner. This process, which is outlined below will **only** apply to projects that have been rejected at stage one. Those projects that have been rejected at stage two will continue to be reviewed through the process outlined in section 3.
- 4.3 As outlined above, the process detailed below only applies to projects rejected at **stage one** where the programme operates a two stage application process.
- 4.4 A review can only be requested following a debrief by a member of staff from JTS. Any request for a review should be made in writing no later than 14 days after the debriefing discussion has been held.

- 4.5 The request must be made by the applicant and clearly demonstrate the grounds upon which a review is being requested – as outlined in paragraph 2.4 above.
- 4.6 Only written evidence will be considered by the Review Panel. The JTS may make a written submission to the review Panel. Neither the applicant nor the JTS will have an opportunity to present the case for review orally. In reaching its determination the review panel will only consider the information that was available to the assessment process i.e. the information in the application form. No other additional or new information that was not part of the application form will be considered.
- 4.7 Upon receipt of a written request for a review, the SEUPB (Managing Authority) will invite the JTS to make a written submission. The SEUPB (Managing Authority) will convene the Review Panel which is independent from the Steering Committees. The Review Panel will comprise of four members, the Chair of the Monitoring Committee, two other Monitoring Committee members and one independent representative, none of whom were involved in the original selection process.
- 4.8 The Review Panel will receive all the documentation considered by the Steering Committee at least 10 days in advance of the meeting. This will include signed documentation relating to all stages of the selection process and the record of the reasons for the Steering Committee decision. The Review Panel will also receive a copy of the written request for the review and any submission from the JTS.
- 4.9 Neither the applicant nor the JTS will be invited to attend the Review Panel meeting.
- 5.0 SEUPB (Managing Authority) will act as secretariat to the Review Panel and will provide advice and guidance as required. The Review Panel may seek independent legal or other professional advice if required.

5.1 The Review Panel will convey its decision to the applicant in writing within 7 days of its meeting.

5.2 The decision of the Review Panel will be binding on the applicant and the Steering Committee and shall not be subject to any further Review or appeal within the Programme.

5.3 The Review must be completed within eight weeks of receipt of the request for a review unless it is not practical to do so.

6.0 Other

6.1 SEUPB shall ensure that funds are retained for allocation to successful review cases.

Issue Date: 13 March 2012