Annex 10

to the Manual for small projects

RULES OF PROCEDURE OF THE OBJECTIONS PANEL FOR THE SMALL PROJECTS FUND(S) IMPLEMENTED UNDER THE INTERREG NEXT POLAND – UKRAINE 2021-2027 PROGRAMME

INTRODUCTION

The Small Projects Fund Committee of the Interreg NEXT Poland - Ukraine 2021-2027 Programme (hereinafter "the Committee") acting on the basis of Rules of Procedure of the Small Project Fund Committee of the Interreg NEXT Poland - Ukraine 2021-2027 Programme appoints the Objections Panel to deal with the objections of small project applicants who have submitted small projects under the implemented Small Project Fund under the Interreg NEXT Poland - Ukraine 2021-2027 Programme.

§ 1

Objections Panel

1. The Committee appoints the members of the Objections Panel from among the Polish and Ukrainian candidates proposed by the SPF Beneficiary who are not involved in the evaluation and selection of small projects in the given SPF and approves possible changes in the list of the members of this Panel.
2. An Objections Panel is established for the duration of the SPF project implemented under the of the Interreg NEXT Programme Poland-Ukraine 2021-2027.
3. The task of the Objections Panel is to consider the objections of small project applicants who have submitted small projects.
4. The Objections Panel shall consist of a minimum of 3 and a maximum of 5 members, from among which the SPF Beneficiary shall appoint a Chairperson who shall ensure that the decisions taken are in compliance with these *Regulations* and *the Manual for small projects.*
5. A representative of the SPF Beneficiary (without voting rights) may also participate in the work of the Team, whose task is to provide technical support for the meetings and circulation procedures - he/she may also act as a protocol officer.
6. Each member of the Objections Panel is entitled to one vote.
7. Decisions of the Objections Panel shall be taken by a simple majority. In the event of a tie, the members of the Panel shall strive for consensus.
8. The decisions of the Objections Panel shall enter into force on the date of their adoption.
9. The members of the Objections Panel and Chairperson shall be impartial and independent with regard to the Applicant, the partners of the small project and the small project itself, as they indicate in the Declaration of impartiality and confidentiality they sign (Annex 1). The Declaration is signed before the discussions and decisions commence. The Chairperson is obliged to ensure the Declaration are signed, collected and stored. The Chairperson to the best of his/her knowledge, is obliged to ensure that possible risks of conflict of interest are mitigated during the debate and decision making.

10. In the event of a reasonable suspicion of lack of impartiality or independence, the member of the Objections Panel concerned shall be excluded by the Chairperson from the work of the Panel and another member of the Objections Panel shall be appointed in his/her place.
11. It is permissible to conduct the work of the Objections Panel in meetings (either in-person or online) and by written procedure. Meetings are not open to third parties. The rules set in item 9 apply accordingly.
12. Minutes of meetings and written procedures shall be drawn up by the Chairperson or the Minutes Officer together with a decision stating reasons.

§ 2
Filing of objections

1. Objections may be lodged if, in the opinion of the Applicant, the assessment or selection of a small project did not comply with the assessment and selection procedures contained in the call for proposals documents resulting in an erroneous assessment. The amount of points awarded for each criterion may not be the subject of an objection.
2. Objections may be lodged by the applicant of a small project who has been informed in writing of the outcome of the evaluation or selection of the small project.
3. The information on the outcome of the evaluation or selection of the small project referred to in paragraph 2 shall include an instruction on the possibility to raise reasoned objections in accordance with the rules laid down in the *Manual for small projects* indicating at the same time:
   a) the time limit for raising objections, i.e. 7 calendar days from receipt of the information,
   b) method of communicating objections,
   c) the formal requirements for objections referred to in this procedure.
4. If there are objections to the decision of the Committee, these can only be taken into account subject to the availability of an allocation.

§ 3
Formal requirements for objections

1. Objections should be prepared in writing in English.
2. Objections signed by a person authorised to represent the Applicant should be forwarded to the SPF Beneficiary as a rule via the application and clearance generator within 7 calendar days from the day following the day on which the information is received by the Applicant.
3. Objections must be motivated, i.e. in the letter, the Applicant should specify to what extent the decision communicated was not in compliance with the rules/procedures set out in the documents for a specific call. The Applicant should refer to specific provisions of the above-mentioned documents.

§ 4

Handling of objections

1. When objections are received, they are recorded in the Register of Objections.
2. As a general rule, objections are dealt with within 30 calendar days of receipt.[1]
3. Assessment by the Objections Panel is subject to:
   a) timeliness of the submission of objections,
   b) compliance with the formal requirements referred to in § 2 sections 1 and 2 and § 3,
   c) the merits of the objections raised.
4. The Objections Panel shall consider objections only to the extent indicated by the applicant of a small project concerning the incompatibility of the assessment of the application or the selection of the small project with the procedures contained in the documents for a specific call.
5. The Objections Panel assesses the objections on the basis of:
   a) the Applicant's letter and its annexes,
   b) the Application Form and its annexes,
   c) documents relating to the verification of the application for funding, including the evaluation sheets by means of which the verification of this application is documented,
   d) letter from the SPF Beneficiary with the result of the application assessment or the decision of the Committee.
6. The objections panel may call on the Applicant to supplement the documents, submit additional explanations or obtain an expert opinion within a specified time limit.
7. The Objections Panel decides on:
   a) taking into account the objections,
   b) dismissal of the objections.
8. The decision of the Objections Panel shall contain an explanatory memorandum and, in the case of a decision upholding the objections to the decision of the Committee, a recommendation to the Committee on how to proceed with the Application Form.
9. The decision of the Objections Panel to uphold the objections requires the re-inclusion of the small project in the further evaluation/selection procedure. In the case of a repeated negative decision of the Committee / SPF Beneficiary (in the case of the formal appraisal stage), no further objections can be made.
10. The decision of the Objections Panel to reject the objections does not require any further action. In this case, the previously issued decision of the Committee / SPF Beneficiary (in case of formal assessment stage) remains in force.
11. The Manager, on behalf of the Objections Panel, shall inform the Small Project Applicant and the members of the Committee in writing of the outcome of the objections.

[1] In the event that the Applicant is called upon to supplement documents, submit additional explanations or in the event of the need to obtain expert opinions, the deadline may be extended to a maximum of 60 days.

12. The decision on objections shall be final, binding on all parties and may not be the subject of further procedures under the programme. However, this is without prejudice to the rights of the applicants to avail themselves of appeal procedures under national legislation.

13. Objections are left without consideration:

    a) submitted out of time,
    b) submitted by an entity which is not an applicant for a small project,
    c) submitted without complying with the requirements set out in § 2 (1) and (2) and § 3

    Information on leaving the objections unprocessed is communicated to the Small Project Applicant by the Objections Panel.

§ 5
Official languages

1. The official language of the Objections Panel's work is English. The national languages can be used in working contacts.

§ 6
Approval of the Rules of Procedure and amendments thereto

1. The Rules of Procedure of the Objections Panel are annexed to the *Manual for small projects, and* are approved by the Managing Authority.
2. Any amendments to the Rules of Procedure shall be made with the consent of the Managing Authority under pain of nullity.
3. The Rules of Procedure shall enter into force on the date of their approval.

On behalf of the SPF Beneficiary

Name:

Caption:

Place and date:

Appendices:

1. Declaration of impartiality and confidentiality

Annex 1 ***to the Rules of Procedure of the Objections Panel***

DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY

I, the signatory _____

have been appointed by _____
as a member of the Objections Panel for the Interreg NEXT Poland – Ukraine 2021-2027 Programme.

I declare that I undertake to comply with the provisions concerning conflict of interests stipulated in Article 61 of the Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast):

„1. Financial actors and other persons, including national authorities at any level, involved in budget implementation under direct, indirect and shared management, including acts preparatory thereto, audit or control, shall not take any action which may bring their own interests into conflict with those of the Union. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interests.

2. Where there is a risk of a conflict of interests involving a member of staff of a national authority, the person in question shall refer the matter to his or her hierarchical superior. Where such a risk exists for staff covered by the Staff Regulations, the person in question shall refer the matter to the relevant authorising officer by delegation. The relevant hierarchical superior or the authorising officer by delegation shall confirm in writing whether a conflict of interests is found to exist. Where a conflict of interests is found to exist, the appointing authority or the relevant national authority shall ensure that the person in question ceases all activity in the matter. The relevant authorising officer by delegation or the relevant national authority shall ensure that any further appropriate action is taken in accordance with the applicable law, including, in the cases involving a member of staff of a national authority, with the national law relating to conflict of interests.

3. For the purposes of paragraph 1, a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest";

I confirm that I have read the *Rules of Procedure of the Objections Panel of the Interreg NEXT Poland - Ukraine 2021-2027 Programme* as well as the available Programme information and documents relating to the submitted objections.

Should one of the following circumstances come into being during the procedure of a funding decision (including the assessment) or when examining the contentious cases of recovery notified by the Managing Authority, I will declare this immediately to Objections Panel Chairperson and to the minutes of the Objections Panel meeting:

- The above-named authority acts as lead partner or as project partner who have submitted an application to the Programme;
- I have personal or professional or institutional involvement in one or more projects to be approved by the Committee;
- I am not independent of all parties which stand to gain from the outcome of the selection process; to the best of my knowledge and belief, there are facts or circumstances, past or present, or that could arise in the foreseeable future, which might call into question my independence in the eyes of one or more parties;
- I have been employed by an applicant, their consortium members or subcontractors within the previous 3 years.

I acknowledge that failure to comply with the above rules will entail exclusion from the Objections Panel of the Interreg NEXT Poland-Ukraine 2021-2027 Programme and may result, inter alia, in the invalidation of the decision of the Objections Panel.

Finally, I declare that any information or documents ("confidential information") disclosed to me or discovered by me or prepared by me in the course of or as a result of the above-mentioned procedures will be used only for official related purposes.

Place and date: _____ Signature: _____

If there is a conflict of interest, please indicate the title, the small project number and the name of the Applicant/Partner	
Small project title and number	
Name of Applicant/Partner	

** delete as appropriate*