

OMB/6/5/2/P3

11 December 2018

**Her Excellency
Ms Emily O'Reilly
European Ombudsman**

Dear Colleague,

Ref: Strategic Initiative SI/3/2018/JN: effective complaint mechanism for matters concerning European Structural and Investment Funds – follow-up to OI/8/2014/AN.

Reference is made to your request for information on the complaint mechanism in place in Malta within the meaning of Article 74(3) for matters concerning European Structural and Investment Funds.

In Malta's case the decisions by the Project Selection Committee (PSC) on a project application will be communicated in writing to the Applicant, advising whether the application has been successfully selected or not. This letter shall set out the reasons for rejection and provide details of the appeals process.

If the Applicant wishes to appeal the PSC's decision, an appeal must be lodged in writing within 5 working days from the date of the written notification sent out by the Managing Authority/Responsible Authority/Programme operator. Appeals are then heard by The Projects Selection Appeals Board (PSAB) which is independent of the Project Selection Committee and Managing Authority/Responsible Authority/Programme operator.

The appeal must include a detailed justification, giving reasons why the Applicant does not agree with the decision taken by the PSC and why the project should therefore be re-considered. Accordingly, the Applicant must provide relevant documentation and/or testimonials in support of its appeal to the PSAB.

The PSAB will carry out such checks and investigation as they believe necessary to fully explore the appeal. However, no additional information, other than that submitted at application stage, will be considered during the appeal process.

The PSAB may ask representatives of the Project Selection Committee, Managing Authority/Responsible Authority/Programme operator and the Applicant to be present for parts of the meeting, to furnish further information on the case. Only the members of the PSAB will be present for the final deliberations and decisions on the appeal received. The decision of the PSAB will be final and will be communicated directly to the Applicant.

I hope that this information is useful to the follow up of your Own Initiative Investigation. Should you require further information or clarification, please do not hesitate to contact us.

Best Regards,

A black rectangular box redacting the signature of Anthony C. Mifsud.

Anthony C. Mifsud
Parliamentary Ombudsman - MALTA