

Version 24 November 2010

The selection made by the ESPON Monitoring Committee of the best proposals for the ESPON Calls for Proposals from 3 May to 28 June 2010 resulted in an appeal from a potential beneficiary. The ESPON 2013 Programme gives this possibility in accordance with the Programme Manual, chapter 8.12.

A potential beneficiary appealed by letter of 25 October 2010 the decision taken by the ESPON Monitoring Committee (MC) on 30 September 2010 concerning a proposal submitted for the ESPON Targeted Analyses under Priority 2 “SMART-IST”.

The appeal submitted to the ESPON Managing Authority (MA) included two main elements:

*(1) Claim of non-compliance with the selection procedure on the following basis:*

- *Appellant claims that according to chapter 3.4.3 of the Programme Manual, the selection procedure is composed of two different steps. As a first step the proposals are checked against eligibility criteria that are undertaken by the ESPON CU and as a second step the proposals are evaluated by a “Commission” on the basis of the evaluation criteria.*
- *According to the understanding of appellant only eligible proposals are submitted to the second step and go through the procedure of qualitative evaluation.*
- *Appellant claims that their proposal has not only been submitted to the procedure of qualitative evaluation, but it has been ranked as the best proposal.*

*As a consequence, appellant challenges the decision of the ESPON Monitoring Committee of 30 September 2010 as it is not in line with the selection procedure.*

*(2) The appellant in addition contest against the error messages appearing in the application form and claims that:*

- *The error messages are completely unjustified by the information included in the application form which is complete, precise and correct*
- *The decision taken does not appear to have a reasonable and understandable ground*
- *The clearance of the error signals in the document before submission is sometimes impossible and such cannot be considered as valid and reasonable ground for ineligibility.*

*The appellant request on that basis to consider their proposal eligible and include it in the selection procedure.*

The ESPON Managing Authority processed the appeal according to the Programme Manual, chapter 8.12, decided by the Monitoring Committee, and part of the Management and Control System approved by the Commission for the ESPON 2013 Programme, which offers the possibility to appeal to the formal procedure conducted in relation to the evaluation leading to the proposal not being selected for contracting.

According to the procedures described in the Programme Manual, the ESPON Coordination Unit (CU) reassessed the procedures followed in the evaluation of the proposal of the appellant, and, on 16 November 2010, the ESPON MC took the following decisions in relation to the appeal raised:

In conclusion, based on the reassessment of the procedures, it has been reconfirmed, that the selection procedures have been conducted following the steps envisaged in the Programme Manual and in the Application Pack issued for the call. The claim of the appellant that only eligible project proposals are evaluated according to content related criteria is found unjustified.

As for the reassessment of the procedure in relation to the eligibility check, the complaints of the appellant in relation to the error messages have been considered unfounded. No system errors have been reported or discovered. Therefore the conclusion is that the proposal failed to comply with eligibility criterion 2, and that no procedures have been violated in relation to the eligibility check of the proposal.

The ESPON MA informed with letter of 24 November 2010 the appellant about the decision of the ESPON MC.