

THE DESCRIPTION OF THE POLICY FOR SUBMITTING AND HANDLING COMPLAINTS AND ALERTS ON POSSIBLE IRREGULARITIES IN THE ACTIVE CITIZENS FUND IN LITHUANIA

I. GENERAL PROVISIONS

1. The description of the Active Citizens Fund (hereinafter – the ACF) of the European Economic Area (hereinafter – EEA) Financial Mechanism 2014-2021 policy hereinafter – the policy) for handling complaints and alerts sets out the policy and procedures for submitting, registering and handling the complaints and alerts addressed to the ACF.
2. This policy shall be applied to complaints and alerts to the extent it is not regulated by the laws and legal acts of the Republic of Lithuania and internal operating rules of the ACF.

II. SUBMISSION OF COMPLAINTS AND ALERTS

3. All complaints and/or alerts regarding the breach of good governance and transparency principles in the direct activity of the ACF Fund Operator, conflict of interest and discriminatory practices, poor decision making, violation of the contractual provisions of the projects funded under the ACF Program submitted to ACF shall be handled in accordance with this policy.
4. Complaints and/or alerts shall be submitted to the e-mail address pranesejai@apf.lt, which is managed by the Board Chair (hereinafter – the Board Chair) of the Council of The Open Lithuania Foundation.
5. Complaints and alerts shall be submitted in Lithuanian or English.
6. The complaint and/or alert must be written in a clear and precise manner and also contain the name, address or other contact details of a natural or legal person as their preferred means to receive the response. If the complaint and/or alert does not contain the email address to which the person wishes to receive the response, the response shall be sent using other contact details provided in the complaint or alert; if there are no contact details provided, the response shall not be sent.
7. The complaints and/or alerts which do not contain the name or address of the complainant or (anonymous) complaints and/or alerts which have not been signed by the complainant shall not be normally handled, except where the interests of the complainant or the ACF must be protected, in which case a relevant decision regarding the complaint-handling shall be taken by the Board Chair.
8. Incomprehensible or unjustified complaints and/or alerts shall be returned to the complainant pointing out the deficiencies of the complaint and/or alert and requesting to remedy them.
9. Defamatory, offensive and incompatible with moral standards complaints and/or alerts inciting national, racial, religious or social discord, violence and discrimination shall not be handled and the person who submitted the complaint, application or alert shall be informed about this decision.

III. REGISTERING AND ESCALATING COMPLAINTS AND ALERTS

10. Complaints and/or alerts shall be registered in the Complaints Processing Register by issuing complaints and/or alerts with registration numbers; furthermore, a copy of the complaint and/or alert shall be stored in a special-purpose ACF Complaints folder which shall be kept by the Board Chair.
11. Complaints and/or alerts related to personal data protection shall be accepted in accordance with the ACF's Personal data processing rules.
12. If the complaint and/or alert is related to the ACF Program's projects and their violation, it shall be registered in the Complaints Processing Register. After concluding the complaint, the decision shall be saved in the electronic project folder on the internal server and the complaint-handling documentation shall be stored in the special-purpose ACF Complaints Folder which shall be kept by the Board Chair.
13. Within 3 days of receipt of the complaint and/or alert the complainant shall be notified that the complaint and/or alert has been received and shall be processed within a maximum of 20 working days after its receipt.
14. Complaints and/or alerts on the ongoing projects shall also be forwarded to the ACF projects Manager.

IV. COMPLAINTS AND/OR ALERTS HANDLING

15. Each complaint and/or alert shall be handled by the Complaints Committee, which shall be composed of:
 - 15.1 the Board Chair (exemption shall apply where the conflict of interest arises; in this case the Board Chair shall be replaced by an independent expert);
 - 15.2 the Managing Director of the ACF Operator (exemption shall apply when the complaint concerns the activity and/or behaviour of the Managing Director of the ACF Operator);
 - 15.3 the independent expert who shall not be related to the ACF Operator.
16. The complaint and/or alert must be processed as soon as possible, and no later than within 20 working days after the date of its receipt, except where otherwise provided for in this mechanism.
17. If handling of the complaint and /or alert involves the establishment of the commission, the convening of the meeting or other time-consuming procedures, which may delay the preparation of response more than 20 working days of its receipt by the ACF, the complainant must be informed about this fact and notified about the nearest deadline for the preparation of response, which should not be later than 40 working days of receipt of the complaint and /or alert.
18. The complaint and/or alert shall be deemed closed when the decision on the issues raised therein shall be reached, the response shall be sent to the complainant and the decision shall be registered in the Complaints Processing Register.
19. It is prohibited to entrust handling of complaints and/or alerts to the ACF staff or experts, whose acts are complained of.
20. The Complaints Committee shall respect the principles of respect for human rights, justice, fairness, reasonableness, objectivity, impartiality and expeditiousness when handling complaints and/or alerts.
21. After having processed the complaint and/or alert, the Complaints Committee shall provide the response to the complainant, indicating:
 - 21.1 what has been verified and established during the examination of documents;
 - 21.2 and the comments on causes of irregularities;
 - 21.3 the acts of the ACF Operator in the event that the complaint and/or alert is declared well founded;
 - 21.4 submitting recommendations and proposals on preventative actions for future, when possible.
22. The response signed by the Board Chair shall be registered, sent out and stored in the logbook of outgoing documents.

V. PRINCIPLES, RIGHTS AND OBLIGATIONS OF THE COMPLAINTS COMMITTEE

23. Tasks of the Complaints Committee shall be as follows:
 - 23.1 develop an accessible, transparent and coherent mechanism which would allow to express concerns regarding an supposed occurrence of mismanagement;
 - 23.2 assess each complaint received in a timely and effective manner;
 - 23.3 provide guidelines and make recommendations on further actions;
 - 23.4 report back to complainants regarding corrective actions.
24. The Complaints Committee shall assess whether the decisions taken by the ACF Operator complies with the principle of good governance, as well as rules and procedures established for the management of the ACF.
25. The Complaints Committee shall not assess any specific project application, change the scores of independent evaluators nor change the decisions on funding made by the Selection Committee and the ACF Board.
26. The rights of the Complaints Committee Members:
 - 26.1 The Complaints Committee Members shall have the right to be informed in writing about the place and time of the Complaints Committee meetings no later than one week before the date of a meeting. The

Board Chair shall provide information on the scheduled meeting by any means of his/her choosing (by email or phone).

26.2 The Complaints Committee Members shall have the right of access to the complaint and/or alert, all related documentation and information, except for information which is not accessible due to the declared conflict of interest.

26.3 At the request of the Board Chair, the Managing Director shall gather all information which is needed to handle the complaint and/or alert and shall provide it to the Complaints Committee Members by email at least 3 (three) working days before the date envisaged for the meeting.

27. The responsibilities of the Complaints Committee Members:

27.1 The Complaints Committee Members shall be required to attend meetings of the Complaints Committee. Members, who are unable to attend a meeting due to important reasons, shall be required to inform about it in writing at least 3 (three) working days before the meeting or, in the event of unforeseen circumstances, shall be required to inform the Board Chair as soon as possible and inform about their position in writing, whenever possible.

27.2 The Complaints Committee Members shall be required to comply with the ACF Program requirements and observe the functioning principles of the Complaints Committee set out in documents, i. e. the Program Implementation Agreement and the Management Control System Description.

27.3 The Complaints Committee Members shall be required to observe the highest standard of ethical conduct and to comply with the requirements of good practice including an adequate, fair and timely application of measures for declaration and prevention of conflicts of interest; the application of the principles of equal treatment and non-discrimination;

28. Powers of the Complaints Committee Members:

28.1 analyse the content of the complaint and identify the gist of such document;

28.2 to enable a decision to be made, request that the person, who submitted the complaint and/or alert, would supplement or clarify the complaint and/or alert, if the information provided is unclear or insufficient;

28.3 analyse and evaluate all related relevant documentation or data available to the ACF Operator;

28.4 propose to the Managing Director to carry out the internal audit, if necessary;

28.5 include experts to address the issues requiring specific expertise, if necessary;

28.6 recommendations and suggestions for corrective actions;

28.7 develop a Corrective Action Implementation Plan;

28.8 prepare a notification on the decision made and inform the person who submitted the complaint and/or alert.

VI. PREVENTION AND MANAGEMENT OF CONFLICT OF INTEREST

29. Before taking up his/her duties, the Complaint Committee Member shall complete and sign the declaration of interests, indicating any organisations, with whom he/she shares political, organisational, financial, economic, personal or other important links.

30. If the conflict of interest arises while handling the complaint and/or alert, the Complaints Committee Member shall immediately inform the Complaints Committee and withdraw from the further handling of the complaint and/or alert. In that case the Board Chair can take a two-fold decision:

30.1 continue the handling of the complaint without the Member who has withdrawn;

30.2 replace the Complaints Committee Member with another independent expert.

31. If the Complaints Committee Member breaches the provisions of Articles 30 and 31, other legal measures may be taken against him/her depending on the damage caused by the breach to the integrity, accountability and transparency of the implementation of the ACF Program.

VII. FINAL PROVISIONS

32. Repeated filing of the complaint and/or alert shall not be examined, except for the cases where new circumstances forming the basis for the complaint and/or alert are indicated or substantiated arguments that the decision regarding previous complaint was incorrect are provided.
 33. The complainant, who does not agree with the decision regarding his/her complaint and/or alert, may appeal against this decision in accordance with national laws and regulations.
 34. Complaints may be submitted directly to the the Financial Mechanism Office (FMO), that supervises the implementation of the EEA and Norwegian financial mechanisms in Lithuania, by email address alert-fmo@efta.int. If the subject of the complaint is not the ACF Operator, FMO may transfer the complaint to the ACF Operator to be handled. If the subject of the complaint is the ACF Operator, FMO must examine the case and may contact the Complaints Committee (the Complaints Committee shall not include an employee of the ACF Operator) for the purpose of obtaining a response (while maintaining confidentiality of the complainant).
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