

Appeals Process

Right of Appeal

The LAG must publicise in all its programme publication materials that there is a right of appeal by the project promoter to all funding decisions by the LAG. The LAG must also advise the project promoters of their right to appeal the LAG decision and how they can exercise this right. Where a project promoter appeals a LAG decision, the LAG must explain the appeal process to the project promoter. Similarly, the project promoter, or the LAG for administration and animation costs, may appeal a decision by the Department. The LAG cannot appeal on the project promoter's behalf; the appeal must be lodged by the project promoter with the assistance, as required, of the LAG.

The LAG must facilitate the appeal using the LEADER appeal template (Appendix 17). In making the appeal, the LAG / project promoter must:

- state the grounds of appeal, referencing the relevant Operating Rule, Department Circular or EU Regulatory provisions or Circulars pertinent to their appeal;
- identify the parts of the project file relevant to the appeal, listing the relevant sections and page numbers; and
- Provide original copies of additional documentation not included on the LEADER IT System document repository, which supports the appeal (in some instances hard copies of these documents may be sought).

Incomplete Appeal Templates will not be accepted.

This appeal facility does not apply to guidance provided by the Department in response to queries, e.g., guidance on the eligibility of a project for funding.

Appeal of Decisions taken by the LAG

The appeal of a LAG decision can take place in two stages, Stage 1 and Stage 2.

Stage 1 - Review of LAG Decision

A project promoter may seek a review of a LAG decision. This review will be conducted by the LAG in the first instance. Requests for reviews should be submitted within 30 calendar days of being informed of the LAG decision, either at EOI or application stage.

The LAG should advise the project promoter of the outcome of the review, in writing, within 60 calendar days of the request for the review and advise them of the right their right to appeal as set out in Stage 2 below.

Stage 2 - Appeal of LAG Review

Where the project promoter is dissatisfied with the outcome of the LAG review, the project promoter can appeal the decision of the LAG to the relevant Regional Inspector of the Department. The project promoter must set out their case in writing and submit any relevant or supporting information, including any new information. The project promoter must lodge any such appeal within 30 calendar days of being notified of the outcome of the review by the LAG.

The Regional Inspector will notify the appellant of the outcome of the appeal within 60 calendar days of the receipt of the appeal. This notification will outline the reasons for the decision of the Regional Inspector. This decision will be the final decision of the Department.

The Regional Inspector will only review the decision of the LAG in respect of:

- the process and procedures followed by the LAG in coming to the original decision and in performing the review.
- the LAGs interpretation of the relevant national/EU regulatory requirements.

Appeal under a Targeted Call

In the case of a successful appeal at EOI stage under a targeted call, the project promoter should be provided with sufficient time to prepare an application so that the project promoter is not disadvantaged in comparison to other project promoters under the same targeted call. This can occur outside of the targeted call process if necessary.

If the appeal is successful under a targeted call at application stage, the LAG must fund the project from available funds within the LAGs allocation. Those who were successful in the original decision under the targeted call will not be de-selected.

Appeal of Decisions

Administrative Checks, On-The-Spot Controls and ex-post checks will be carried out by Pobal, the LAG Lead Financial Partner and the Department's Inspection, Compliance and Business Development Unit.