

Service of decisions of the NCN Director

In the calls of the National Science Centre (hereinafter: "NCN"), proposals shall be submitted electronically via the OSF electronic submission system, available at: <https://osf.opi.org.pl>.

By entering the call, the applicant shall express their consent to have documents served to them by the NCN by means of electronic communication, and they shall be required to indicate in the proposal the address to which they would have the documents served. The applicant shall be required to verify all data entered in the proposal, including the electronic address indicated for service of documents.

If the applicant is an entity described in Article 27 (1) – (7) and (9) of the Act on the National Science Centre of 30 April 2010 (consolidated text in Journal of Laws of 2023, item 153), (hereinafter: "NCN Act"), the applicant shall indicate their Electronic Correspondence Register (ESP ePUAP) address (hereinafter: "ESP ePUEAP") as the electronic address for service of documents.

An applicant who is a natural person may indicate the ePUAP address as the electronic address for service of documents, and should they possess no such address, they must indicate their email address. Should the natural person specify in the proposal both the ePUAP and email address, documents shall be served only to the ePUAP address. Documents shall be served to the email address only in the case of failure to indicate the ePUAP address.

Pursuant to the Electronic Delivery of Documents Act of 18 November 2020 (Journal of Laws of 2023, item 285, as amended) (hereinafter referred to as the "Electronic Delivery of Documents Act"), the National Science Centre will be required to deliver communications via the public registered electronic delivery service or public hybrid service. Therefore, an electronic delivery address (hereinafter: "EDA") may be provided in the proposals. Provision of one's electronic delivery address is not mandatory. Communications will be sent to the EDA pursuant to the Electronic Delivery of Documents Act. More on the date as of which communications must be sent to the electronic delivery address will be published on the NCN's website (www.ncn.gov.pl).

During peer review of their proposal, the applicant shall notify the NCN of any and all changes to their address, including the electronic address for serving documents. In the event of failure to do so, service of documents to the former address shall have legal effect.

Information of changes made to the address is governed by Article 41 of the Administrative Procedure Code of 14 June 1960 (consolidated text in Journal of Laws of 2023, item 775, as amended), (hereinafter: "APC").

The call results shall be made available through the OSF system and made known by way of the NCN Director's decision.

The National Science Centre shall make available the results and send decisions on completion of each stage of proposal review.

The decision shall be delivered to the applicant in an electronic format, to the electronic address specified in the proposal for service of documents, and justification for the evaluation shall be provided in the OSF system. The decision of the NCN Director shall be bear a qualified electronic signature in the PadES format.

In addition, on the date of sending the decisions, information shall be posted on the NCN website on the results of each stage of the review of proposals for which the decisions have been issued and the availability of justifications in the OSF system.

Service of decisions shall be dependent on the applicant's status.

If the applicant is an entity described in Article 27 (1) – (7) and (9) of the NCN Act, the decision of the NCN Director shall be served only to their ESP ePUAP address specified in the proposal. If the applicant has been authorized as a public entity, the decisions shall be sent in an Official Confirmation of Submission (*Urzędowe Poświadczenie Przedłożenia*, hereinafter: "UPP"). If the applicant has not been authorized as a public entity, the decisions shall be sent in an Official Confirmation of Service (*Urzędowe Poświadczenie Doręczenia*, hereinafter: "UPD"). **The duty to check the ePUAP mailbox lies with the applicant.**

In the event that the applicant has received the justification of their proposal's evaluation in the OSF system but has not received the decision, it is recommended to check whether the ESP ePUAP address specified in the proposal is correct or contact the NCN Program Officer in charge of the proposal specified in the OSF system.

Should an applicant who is a natural person indicate an ePUAP address in the proposal, the decision shall be sent to that address. Should an applicant who is a natural person fail to indicate the ePUAP address, the service of decisions shall be carried out by means of sending – to their email address – information containing an electronic address from which the NCN Director's decision may be downloaded. The information shall be sent from the address: ewnioski@ncn.gov.pl. In order to download the decision, click on the link in your email and proceed according to the message that will pop up.

If the applicant is a natural person and has access to the justification for the evaluation of the proposal in the OSF system but has not received an email with the link to download the decision, they should check their spam folder for an email from the aforementioned address, check if their e-mail address in the proposal is correct or contact the NCN Program Officer in charge of the proposal specified in the OSF system. **The duty to check the ePUAP mailbox/ e-mail address lies with the applicant.**

The decisions sent to the applicant authorised as a public entity to their ESP (ePUAP) address shall be deemed served once the NCN has received a UPP, which shall be issued automatically once the document has been served to the ESP ePUAP address of the applicant and shall not require any action on the part of the employees of the NCN. A UPP shall only be issued automatically when the ESP address of the applicant is assigned to a public entity. The date of receipt of the UPP shall be deemed as the date of effective service of the decision.

Applicants **not authorized as public entities** are required to sign and return an acknowledgement of receipt. In order to have a UPD issued, one should login to the ESP ePUAP address specified in the proposal, receive the message from the National Science Centre, and sign and return the UPD to the National Science Centre. After the UPD has been returned one may peruse the text of the decision. The date of receipt of the UPD by the NCN shall be deemed as the date of effective service of the decision.

The decision addressed to a **natural person who the applicant** shall be sent to their ePUAP address or e-mail address specified in the proposal. The decision shall be deemed effectively served on the date the UPD was returned to the NCN, or the decision was downloaded from the link sent to the email address specified in the proposal.

Decisions shall be sent to the electronic delivery address pursuant to the Electronic Delivery of Documents Act.

Should the applicant fail to download the decision in an electronic format within 7 days of the date on which the original decision was sent, the applicant shall be notified again that they may download the decision.

If a UPP or UPD has not been received, or the decision in an electronic format sent to the email address has not been downloaded, or a wrong ESP ePUAP address or ePUAP mailbox address or email address has been specified, the decision of the NCN Director shall be deemed effectively served after the expiry of 14 days of the date on which the original decision was sent.

The NCN shall provide the recipient of the decision at the latter's request, for a period of at least 3 months from the date of finding it served, with access to the decision in an electronic format, information on the date on which the decision was found served and the dates on which notices to that effect were sent.

Decision of the NCN Director Becoming Final and Legally Binding

The deadline for appealing against the Decision of the NCN Director shall be counted from the date of effective service thereof to the applicant.

Decisions that cannot be appealed against in the administrative proceedings and requests for reconsideration of the case are final.

Final decisions that cannot be appealed against are legally binding.

Appealing against Decisions of the NCN Director

Pursuant to Article 33 (2) of the NCN Act, in the event of a breach of the call procedure or other formal infringements, the applicant may appeal against the decision of the NCN Director with the Committee of Appeals of the NCN Council with its registered office at ul. Twardowskiego 16, 31-312 Kraków. The appeal must be lodged within 14 days of the date of effective service of the decision, i.e. receipt of the UPP or UPD by the National Science Centre or confirmation of downloading the decision from the link in the e-mail, proof of receipt, and in the absence thereof, after the expiry of 14 days of the date on which the original decision.

A written appeal shall be lodged via the Director of the National Science Centre to the following address: ul. Twardowskiego 16, 30-312 Kraków or shall be signed with an advanced electronic signature or a qualified electronic signature in the PAdES format in compliance with Regulation (EU) No 910/2014 of the European Parliament and of the Council of the European Union of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC and submitted to the NCN's Electronic Delivery Box: /ncn/SkrytkaESP.

Pursuant to Article 127 (a) of the Administrative Procedure Code, a party may waive their right to appeal against the public administration authority issuing the decision within the time allowed for appeal. The decision shall become final and binding on the date the public administration authority has been served a waiver of the right to appeal by the last party to the proceedings.