



Rules of Procedure

For the functioning of the Interreg CENTRAL EUROPE 2021-2027 monitoring committee

Version 1

Adopted on 28.04.2022

Preamble

The EU Member States Austria, Croatia, Czech Republic, Germany, Hungary, Italy, Poland, Slovak Republic and Slovenia, on the basis of:

- The European Structural and Investment Funds Regulations, as well as Delegated and Implementing Acts for the 2021-2027 programming period, especially:
 - Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021, laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (Common Provisions Regulation - CPR);
 - Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (ERDF Regulation);
 - Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (Interreg Regulation);
 - Commission Implementing Decision (EU) 2022/74 setting out the list of Interreg programmes and indicating the global amount of the total support from the European Regional Development Fund and from each external financing instrument of the Union for each programme and the list of the amounts transferred between strands under the European territorial cooperation goal for the period 2021 to 2027
 - Commission Implementing Decision (EU) 2022/75 setting out the list of Interreg programme areas to receive support from the European Regional Development Fund and external financing instruments of the Union, broken down by strand and Interreg programme under the European territorial cooperation goal;
 - Other regulations and directives applicable to the implementation of projects co-funded by the ERDF.



- the Interreg Programme (IP) CENTRAL EUROPE (CE), adopted by the European Commission (EC) on 23.03.2022 (Decision C(2022) 1694 final),

in agreement with the City of Vienna (AT) acting as programme managing authority (MA), decide to establish a monitoring committee for the Interreg CE Programme.

The monitoring committee has adopted the following rules of procedure.

Article 1 Name and competencies

1. The Member States have established a committee as referred to in Article 28 of the Interreg Regulation for monitoring the implementation of the Interreg CE Programme. The committee will hereinafter referred to as "MC".
2. The competencies of the MC concern the Interreg CE Programme that shall run in the Structural Funds period 2021-2027 and expire with the closure of the programme.
3. The MC has the competence to create working groups, task forces or similar bodies.

Article 2 Tasks

1. The MC carries out its functions in line with Article 30 of the Interreg Regulation.
2. In particular, the MC shall examine:
 - the progress in programme implementation and in achieving the milestones and targets of the Interreg CE Programme;
 - any issues that affect the performance of the Interreg CE Programme and the measures taken to address these issues;
 - the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
 - the implementation of communication and visibility actions;
 - the progress in implementing Interreg CE operations of strategic importance;
 - the progress in administrative capacity building for public institutions and beneficiaries, where relevant.
3. In addition to its tasks concerning the selection of operations listed in Article 22 of the Interreg Regulation, the MC shall approve:
 - the methodology and criteria used for the assessment and selection of operations, including any changes thereto;
 - the evaluation plan and any amendment thereto;
 - any proposal introduced by the MA for the amendment of the Interreg CE Programme, including transfer of funds between priorities in accordance with Article 19(5) of the Interreg Regulation;
 - the final performance report.



4. Furthermore, the MC shall also:

- approve the Terms of Reference of calls for proposals, setting the aims, contents, procedures, timeline and selection criteria applicable to each call;
- confirm or object information provided by the MA on the declarations submitted by applicants together with project application forms, in particular with regard to their legal status as well as their administrative and financial capacity to fulfil all necessary conditions for support outlined in the subsidy contract;
- select and approve project proposals on the basis of the assessment done by the MA/JS in compliance with the approved methodology for assessment and selection of applications;
- ensure that reasons for acceptance or rejection or conditions related to project applications are clearly set out in the MC decision;
- ensure that effective arrangements for the examination of complaints pursuant Article 69(7) CPR are in place - according to the procedure outlined in the programme description of the management and control system - as well as participate in the examination of complaints;
- if relevant, examine and approve modifications in the approved operations in line with the terms and conditions set in the programme manual;
- approve relevant programme documents, including IP changes and the programme manual;
- approve measures affecting the programme and operations in order to comply with the programme performance framework and minimise de-commitment risk;
- be informed of the annual control report and of any relevant comments the Commission may make after examining that report;
- approve the multiannual financial plan on the technical assistance budget and be informed on the usage of the technical assistance budget by the MA/JS, the national contact points (NCP) or other relevant national authorities;
- ensure that the programme authorities are provided by the Member States participating in the programme with all necessary and legally allowed information, documents, reports and support to carry out their responsibilities;
- ensure that the Member States participating in the programme assume the responsibilities for the management and control obligations and liabilities laid down in the rules on shared management set out in the Regulations, in the programme description of the management and control system and in the IP (in particular chapter 7.3).

5. The MC may then:

- ask the MA to take appropriate measures - including the termination of the subsidy contract - if the implementation of the project infringes conditions set in the subsidy contract;¹
- establish eligibility rules at programme level in accordance with Article 37 of the Interreg regulation;

¹ Should the lead partner violate the subsidy contract provisions and the MA intends to terminate the subsidy contract, the MC shall be consulted prior to such a decision. The decision on the legal aspects of the case, however, remains with the MA.



Article 3 Composition

1. Each Member State participating in the programme shall appoint its representatives participating in the MC. Information on the appointed representatives, and any modification thereto, shall be notified to the MA/JS using the template of notification letter set up for this purpose. The MC shall aim at a limited number of representatives, ensuring efficiency and broad representation.
2. The MC shall in principle be composed of up to three representatives of each Member State, aiming at gender balance. Appointed persons shall represent the national level and, if applicable, the regional level. The involvement of representatives of programme partners, as referred to in Article 8 CPR, shall be ensured by the Member States through national coordination committees (or other mechanisms or entities as provided by the respective national rules) in preparation of MC meetings.
3. Representatives of the European Commission, the MA and, where necessary, the Audit Authority shall participate at MC meetings in an advisory capacity. Representatives of the JS shall participate at MC meetings with a support function. The aforementioned representatives have no right to vote.
4. Representatives of the NCPs may participate in the MC meetings as observers, with no right to vote.
5. Representatives of transnational economic and social partners and transnationally organised non-governmental organisations, including bodies jointly set up in the whole programme area - if applicable - may participate in MC meetings in an advisory capacity and upon invitation from the MC Chair. They have no right to vote.
6. The MC members have the right to substitute their representatives both by appointment of deputies or by sending delegated substitutes to the meetings.

Article 4 Chairpersonship and Meetings

1. The MC shall have a chairperson (MC Chair) and a co-chairperson (MC co-Chair). The MC Chair shall be given to a representative of a Member State and rotate every year, the MC co-Chair is given to the MA who shall support the MC Chair and ensure continuity. The appointment of the MC Chair follows the below indicative timeline:

Year	Member State
2022	Slovakia
2023	Slovenia
2024	Austria
2025	Croatia
2026	Czech Republic
2027	Germany
2028	Hungary
2029	Italy
2030	Poland



2. The MC Chair shall:
 - a. convene the MC at least once a year or at the written and substantial request of one or more of its members. MC meetings should preferably take place in a physical format, however online meetings may also be possible;
 - b. draw up - in collaboration with the MA/JS - a draft agenda, which shall be sent together with the invitation (indicating the date, format and - if applicable - location of the meeting);
 - c. perform MC Chair duties during the meetings e.g. declare the opening and closing of each meeting, give the right to speak, moderate the discussion, put questions to the vote, summarise decisions taken, rule on points of order;
 - d. ensure the proper functioning of the MC, including engaging in mediations between MC representatives - if needed - with the support of the MA/JS.
3. In preparing the MC meetings, the MC Chair shall co-operate with the MC co-Chair (the MA). If they so agree, the MC Chair may delegate some of her/his duties to the MC co-Chair during meetings.
4. Information and documents referring to items on the agenda shall be sent by the MA/JS to the members of the MC at least 15 working days prior to the MC meetings (in exceptional cases also shorter periods are possible).
5. Working groups, task forces or similar bodies established by the MC shall be chaired either by the MC Chair or the MC co-Chair. They should report back to the MC under the responsibility of their Chair.
6. On behalf of the MC Chair, the MA/JS shall send to the members of the MC a report summarising the main points discussed and decision taken at the meeting, indicatively 15 working days after each meeting. Meeting reports are drafted by the MA/JS in consultation with the MC Chair and shall be approved by the MC in writing following the procedure described under article 5. If, during the approval procedure, no consensus is achieved, the MC Chair shall decide on the final version and send it to the members of the MC.
7. If required by the agenda, the MC Chair has the right to invite guests to meetings. The MC Chair shall inform MC members before the meeting.
8. Subject to prior notification and to the approval of the MC Chair, members of the MC can be accompanied by observers who must not be in conflict of interest with project proposals or approved projects to be eventually discussed at the meeting.
9. Rules on expenditure related to MC meetings to be covered by Technical Assistance are laid down in the Technical Assistance Manual.

Article 5 Decision-Making

1. At any meeting of the MC, representatives of at least 6 Member States shall constitute a quorum which would thus qualify for decision making.
2. MC takes decisions by consensus among the national delegations of the Member States attending the meeting (one vote per delegation). Votes cannot be delegated between countries.
3. Where issues are discussed controversially the MC Chair, supported by the MC co-Chair, shall strive towards a consent. In case such attempts remain unsuccessful, the MC Chair may decide whether the motion is defeated or postponed and inform the MC accordingly, also on the follow-up.



4. Delegations of the participating Member States have the right to abstain from voting. In such a case consensus of the remaining votes is required. The decision made by the remaining delegations is binding on all MC Members. However, in such a case the delegations exercising their right to abstain from voting may provide an explanation and ask to quote their opinion in the meeting report.
5. For decisions to be taken by the MC outside meetings the MA/JS, in coordination with the MC Chair, can initiate a decision-making process in writing, by sending the draft decision and the concerned documents to all members of the MC. MC delegations have 10 working days from the dispatch of the decision request to respond in writing to the MA/JS. In duly justified cases the MA/JS might request to respond in a shorter time however not shorter than three working days.
6. If a written objection to the procedure or to the draft decision is raised, the MA/JS shall discuss the matter bilaterally with the delegation raising the objection. In case no solution is found, either a new written procedure shall be initiated or the matter shall be placed on the agenda of the next meeting of the MC. Delegations of the participating Member States can withdraw their objection at any time. If no objection has been received until the specified time, the proposal is considered as approved by the MC.
7. The MC members can propose amendments or editorial changes in the documents sent in written procedure. In consultation with the MC Chair the remarks proposed should be incorporated as long as they neither change the contents' meaning, nor have a negative impact on the Member States' rights. In any other case either a new written procedure shall be initiated, or the matter shall be placed on the agenda of the next meeting of the MC.
8. In any case, after the 10 days time-limit has expired, the JS on behalf of the MC Chair shall inform all members on whether the decision is deemed to be taken or what objections have been raised.
9. In case that the MA has justified objections concerning the compliance of a decision taken by the MC with the legal basis and general management of the programme, the decision shall be taken with reservation until the MA could clarify the matter. In case that no compliance should be asserted or no clarification could be obtained the respective decision will not come into operation. The MA will report the result via the JS to the MC. A new decision by the MC shall take this report into consideration.

Article 6

Impartiality - Conflict of Interest

1. Any decision taken by MC when executing the tasks laid down in Article 2 shall be free from bias and must not be influenced by partial interest of any of the individual members participating in the MC. Where the impartial and objective exercise of the functions of a person involved in MC activities is compromised because of her/his involvement in a project or for any other reasons involving family, emotional life, political or national affinity, economic interest or other shared interest with a project applicant or beneficiary, the respective Member of the MC shall immediately inform the MC Chair. The concerned MC representative will be excluded from the discussion and decision making on the project or subject matter concerned.

Article 7

Confidentiality

1. Without prejudice of EU and national rules on access to information and publication obligations laid down in Article 8, contents of MC discussions as well as related information included in working documents (e.g. documents concerning project assessment) and IT tools mentioned in Article 9 have to be treated strictly confidentially. All applicable rules related to protection of data included in



documents made available for the preparation of MC decisions shall be observed by the MC representatives.

2. The members of the MC, as well as other invited advisors, observers and guest shall be required to respect the confidentiality obligations set out in this article. The MC Chair shall ensure, before starting MC meetings, that they are made aware of them.

Article 8

Publication of Information and Joint Secretariat

1. The JS, on behalf of the MA is responsible for developing preparatory documents needed for MC decision-making, as well as for the preparation, implementation and follow up of MC meetings, the availability of adequate IT tools needed for exerting MC tasks as mentioned in Article 9, and for maintaining MC mailing lists up to date.
2. Pursuant Articles 28(4) and 29(2) of the Interreg Regulation the JS shall publish the list of MC members, the MC rules of procedures (this document) as well as a summary of both data and information, including decisions, approved by the MC on the programme website. Summaries shall be published after each meeting of the MC, upon approval of the respective meeting report.

Article 9

Working language and communication

1. The working language of the MC is English. This rule also applies to all official documents of the MC.
2. Communication between members of the MC and the MA/JS is generally occurring through electronic means including e-mail and video-communication platforms. Transmission of documents shall be either done via e-mail, the CE cloud space (<https://js.interreg-central.eu/owncloud/index.php>) and the CE Joint electronic monitoring system (<https://jems.interreg-central.eu>).

Article 10

Revision

1. After their adoption, the Rules of Procedure of the MC may be amended by consensus.