

Rules of Procedure of the INTERREG North-West Europe Monitoring Committee (2021-2027)

Preamble

The Member States Belgium¹, France, Germany, Ireland, Luxembourg, the Netherlands and the Non-Member State, the Swiss Confederation in accordance with the Managing Authority, the Hauts-de-France Region (France)

On the basis of

- Regulation (EU) No 2021/1060 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
- Regulation (EU) No 2021/1058 of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund
- Regulation (EU) 2021/1059 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
- Commission Implementing Decision of 24 August 2022 approving the Cooperation Programme “North West Europe” (2021-2027)

Considering that the implementation of the North West Europe Interreg Programme (hereinafter called “IP”) requires shared responsibilities and transnational cooperation procedures,

have established a joint Monitoring Committee.

¹ With regard to Belgium, the obligations of Member States authorities for INTERREG NWE are carried out by the authorities designated for this purpose. This is the case whenever this document refers to the Member States or National Authorities.

1. Name and meetings

- 1) The Monitoring Committee shall be known henceforth as the 'Monitoring Committee for the Implementation of the INTERREG North-West Europe Cooperation Programme' (hereinafter called 'Monitoring Committee' or 'MC').
- 2) There will be at least one MC meeting per year.
- 3) The MC will be in place until the end of the implementation of the Programme unless other arrangements are agreed in accordance with rule 9, e.g. for the smooth transition to the potential next Programming period.
- 4) An indicative annual planning of meetings may be discussed at the first MC meeting of each year for organisational reasons.
- 5) MC meetings shall be organised as physical or online meetings². The physical meetings of the MC shall, unless otherwise decided by the MC, be hosted in a location proposed by the MC Chair. In principle, at least one meeting per year shall be organised as a physical meeting, dedicated to projects.

2. Tasks

- 1) In accordance with Article 30 of Regulation (EU) No 2021/1059, the MC shall examine:
 - a) The progress in programme implementation in achieving the milestones and targets of the IP
 - b) any issues that affect the performance of the programme and the measures taken to address these issues;
 - c) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
 - d) the implementation of communication and visibility actions;
 - e) the progress in implementing Interreg operations of strategic importance and, where applicable, of large infrastructure projects;
 - f) the progress in administrative capacity building for public institutions and beneficiaries, where relevant.
- 2) In addition to its tasks concerning the selection of operations listed in Article 22 (see below), the MC shall approve:

² In exceptional and duly justified cases, "hybrid" (in person and online at the same time) could be authorised

- a) the methodology and criteria used for the selection of operations, including any changes thereto
 - b) the evaluation plan and any amendment thereto;
 - c) any proposal by the managing authority for the amendment of the Interreg programme
 - d) the final performance report.
- 3) In accordance with Article 22 (4) of Regulation (EU) No 2021/1059, in selecting operations, the MC shall:
- a) ensure that selected operations comply with the Interreg programme and provide an effective contribution to the achievement of its specific objectives;
 - b) ensure that selected operations do not conflict with the corresponding strategies established pursuant to Article 10(1) or established for one or more of the external financing instruments of the Union;
 - c) ensure that selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;³
 - d) verify that the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs for operations comprising investment in infrastructure or productive investment, so as to ensure their financial sustainability;⁴
 - e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council⁵ are subject to an environmental impact assessment or a screening procedure and that the assessment of alternative solutions has been taken in due account, on the basis of the requirements of that Directive;
 - f) verify that where the operations have started before the submission of an application for funding to the managing authority, the applicable law has been complied with;
 - g) ensure that selected operations fall within the scope of the Interreg fund concerned and are attributed to a type of intervention;
 - h) ensure that operations do not include activities which were part of an operation subject to relocation within the meaning of point (27) of Article 2 of Regulation (EU) 2021/1060 or which would constitute a

³ This will be done via the quality assessment criteria for the selection of operations in particular the ones on the “Contribution to the Programme objectives”, the “Project relevance” and the “Budget” (value for money criteria).

⁴ All private partners will undergo a solvency check before the approval of the application at step 2. The responsibility of the checks lies with the respective national authority of the Member State.

⁵ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

transfer of a productive activity within the meaning of point (a) of Article 65(1) of that Regulation;

- i) ensure that selected operations are not directly affected by a reasoned opinion by the Commission in respect of an infringement within the scope of Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of operations; and
 - j) ensure that, for investments in infrastructure with an expected lifespan of at least five years, an assessment of expected impacts of climate change is carried out⁶.
- 4) In addition of the above tasks, the MC shall also decide on and monitor the implementation of the Technical Assistance
 - 5) Prior to each meeting, an agenda will be drafted delineating tasks between “strategic issues” and “project selection and implementation” in order for Member States to send the appropriate delegate.
 - 6) The MC will be informed by the Joint Secretariat or the Audit or Certifying Authorities of irregularities observed at project level.

3. Membership

- 1) The MC is composed of seven delegations, each consisting of a maximum of five representatives from the national or regional level from each Member State and Switzerland. Without prejudice to Rule 4(4), the Member States as well as Switzerland and other authorities concerned have the right to substitute their representatives both by appointment of deputies or by sending substitutes to the meetings. A list of names per MS and Non-MS will be provided when establishing the membership.
- 2) The European Commission, the Managing Authority, the Certifying Authority, the Audit Authority, the Joint Secretariat and the Contact Points may participate in the work of the MC in an advisory capacity.
- 3) Member States and Switzerland shall promote the balanced participation of men and women in the MC.
- 4) Any person involved in and paid by an approved NWE project may not be a MC member or observer to the MC unless invited.
- 5) All MC members must declare any conflict of interest of their institutional/organisational unit in a project’s proposals beforehand

⁶ A self-assessment is made by the applicants in the step 2 application form

and should be asked to leave the room by the President of the meeting while these proposals are being discussed for funding.

- 6) The list of the members of the Monitoring Committee shall be published on the Programme website.
- 7) A clear separation of functions must exist between the people who advise the applicants (Contact Points and JS Project Officers), those who assess the applications submitted (JS Project Officers) and those who take the decisions (MC members).

4. Presidency

- 1) The MC will have a President. Every civil year, the Presidency will rotate between the Member States in the following order:

Year	Presidency
2022	DE
2023	FR
2024	IE
2025	LU
2026	NL
2027	BE
2028	DE
2029	FR

- 2) To exert the Presidency functions, each country will appoint the President among its own members of the Committee.
- 3) With the assistance of the Joint Secretariat, the President shall:
 - a. convene the MC at least once a year or at the written and substantial request of one or more of its members;
 - b. announce the place and starting time of the MC meeting at least six weeks in advance;
 - c. draw up an agenda;
 - d. perform chairperson's duties during the meeting e.g. declare the opening and closing of each meeting, direct the discussion, accord the right to speak, announce the decisions, rule on points of order, and pursuant to these rules, have control of the proceedings;
 - e. be responsible for the proper functioning of the MC.

5. Quorum and Decision-making procedures

- 1) At any meeting of the MC a minimum representation of five delegations shall constitute a quorum.
- 2) Each delegation has one vote. Decisions will be made by consensus. In case of opposition by one or more delegation the motion is postponed or defeated. Members retain the right to abstain.
- 3) If a decision needs to be made before the next MC meeting the President can initiate a decision-making process in writing. In this case, the President shall send the draft decision to those members entitled to vote and shall fix a deadline, giving the addressees at least two weeks in principle in which to reply. If an objection to the procedure or to the draft decisions is raised the matter shall be placed on the agenda of the next meeting of the MC. An objection can be withdrawn at any time. If no objection has been received by the specified time the decision is reputed to have been made by the MC.
- 4) All decisions relating to project applications will be made in accordance with the decided principles, assessment method, procedure and criteria. Draft ranking lists of eligible project applications together with an assessment of each eligible project will be submitted by the JS.
- 5) With the purpose of optimal planning of the Monitoring Committee meeting all delegations will provide their provisional positions to all eligible project applications (approve, discuss or reject) four working days in advance to the JS. JS will create a consolidated list of provisional positions and will send it to MC members two working days before the MC meeting.
- 6) Member States' comments (e.g., feedback for recommendations / technical requirements) should be sent in advance as part of their provisional positions (included in the comments column) and/or provided at the MC meeting, latest. Post MC-meeting comments are not to be sent. Long and complex conditions for approval, especially for step 2 proposals, that go beyond the spirit of recommendations and technical requirements are to be avoided.

6. Secretariat

- 1) The MC will be assisted by the Joint Secretariat (hereinafter called 'JS').
- 2) The tasks of the JS are set out in Section 7.2. of the IP. It will be in charge of the day-to-day management of the Programme. It will assist the MC

in securing a smooth and efficient implementation of the Programme and compliance with its overall principles and objectives.

- 3) In consultation with the Presidency, the JS will send out the agenda and the invitation for the MC four weeks in advance of the meeting.
- 4) The brief notes and other supporting documents will be made available electronically to MC Members and – if applicable – to Members of the national sub-committees four weeks before the meeting for projects' assessment and two weeks before for the other documents. Members of the national sub-committees can only be added on the recipient list, if they have been confirmed directly by MC members.
- 5) The JS will prepare each MC meeting together with the President and the Managing Authority.
- 6) Draft minutes will be established by the JS and sent out for comments to members of the MC within four weeks of a meeting being held.
- 7) The JS will monitor the follow-up of decisions taken by the MC.

7. Languages

The official languages of the INTERREG VB NWE Programme are Dutch, German, French and English. Simultaneous interpretation will be provided in the MC meetings (except for online meetings) from these languages into English. Working documents will be provided in English.

8. Confidentiality

- 1) The work of the MC is confidential in nature and its voting members, their deputies or ad hoc deputies, as well as other representatives in the MC are bound to confidentiality.
- 2) JS assessments are intended for MC members only. MC members may forward these documents only to relevant parties during the internal consultation procedures which take place within each Member State prior to MC meetings. However, they may not in any case forward them to project applicants themselves. The acting person (sender) shall stipulate clearly to the addressee that all documents and information shall be kept confidential.
- 3) Contact Points will get access to the assessments for information purposes only.
- 4) Once applications have been submitted, no contact with applicants should take place about the project's assessment and content. Contacts

about administrative issues (e.g. solvency checks, State aid, ...) is allowed.

- 5) If an MC member or his/her organisation happens to be an applicant, rule 3.5 on conflicts of interest applies

9. Revision

These Rules have been adopted and may be revised by consensus decision of the MC.

Annex: Separation of function – code of conduct (see below)

Separation of functions

Code of conduct

A clear separation of functions is crucial for upholding the transparency, reputation and impartiality of the Interreg North-West Europe programme. It is also instrumental in ensuring that the principles of sound public financial management and equal treatment of projects are respected.

In that regard, it is important to have a common rule applying to all programme bodies, - especially the Contact Points, the Joint Secretariat and the Member State representatives - involved in either project development, assessment or decision-making.

As a consequence, the Monitoring Committee of the NWE programme 2021-2027 will respect a strict and clear separation of functions for all programme bodies.

In practice this means:

- No influence of Member State representatives on JS assessors in the project development phase,
- No influence of Contact Points on the assessment and decision-making phases (including at national level).
- No influence of the JS assessor on the project development phase and decision-making.

This also implies that apart from questions on clarification which do not encompass the equal treatment of applications, no exchange on project applications will be happening between contact points or JS members involved in project development, JS assessors, and MS decision makers.

In addition, all MC members must declare any conflict of interest of their institutional/organisational unit in a project's proposals beforehand and should be asked to leave the room by the President of the meeting while these proposals are being discussed for funding.

The MA in coordination with the Chair may recall the aforementioned principles when necessary.