

**Interreg**



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**IPA** Croatia – Bosnia and  
Herzegovina – Montenegro

# **RULES OF PROCEDURES of the Monitoring Committee**

## Preamble

The Republic of Croatia, and Bosnia and Herzegovina, and Montenegro 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 and Corrigendum to 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 (Official Journal of the European Union L 231 of 30 June 2021) (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);
  - Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III);
  - Commission Implementing Decision (EU) 2022/74 of 17 January 2022 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 of 17 January 2022 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;
  - Commission Delegated Regulation (EU) 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds;
  - Other regulations and directives applicable to the implementation of projects co-funded by the ERDF/IPA III;
  - Commission Implementing Decision C(2022) 8028 from 3 November 2022 on the approval of the Interreg VI-A IPA Programme Croatia – Bosnia and Herzegovina – Montenegro 2021-2027.

in agreement with the Managing Authority (hereinafter referred to as MA) have set up Monitoring Committee (hereinafter referred to as MC) for the implementation of the Interreg VI-A IPA

Programme Croatia – Bosnia and Herzegovina – Montenegro 2021-2027 (hereinafter referred to as the Programme).

## Article 1

### General provisions

1. The Participating Countries have established a committee as referred to in Article 28 of the Interreg Regulation for monitoring the implementation of the Programme.
2. The rights and obligations of the MC concern the Programme for the period 2021-2027 and expire with the closure of the Programme.
3. The MC takes the role of the Joint Monitoring Committee (hereinafter referred to as JMC) of the Interreg IPA CBC Programme Croatia-Bosnia and Herzegovina-Montenegro 2014-2020, together with all the functions listed in Articles 49 and 110 of the Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013. When the MC acts in its capacity as the JMC of the Interreg IPA CBC Programme Croatia Bosnia and Herzegovina-Montenegro 2014-2020, all the topics related to 2014-2020 will be separately stated in the agenda and the decisions taken in this capacity will be separately documented in the minutes.
4. The MC may create subcommittees, working groups, task forces or similar bodies, if necessary.
5. These Rules of Procedures (hereinafter referred to as RoP) are proposed by the MA and unanimously adopted by the MC at the first MC meeting and published on the Programme website.

## Article 2

### Composition

1. Each Participating Country shall appoint its representatives participating in the MC. Information on the appointed representatives (names and contact details), and any modification thereto, shall be notified by the National Authority (hereinafter referred to as NA) in writing to the MA/Joint Secretariat (hereinafter referred to as JS) without delay.
2. The MC shall have a limited number of voting members, ensuring efficiency and aiming at gender balance. Each Participating Country shall appoint 7 voting members and their deputies to the MC.
3. The involvement of other representatives of programme partners in work of the MC, as referred to in Article 8 of CPR, shall be ensured by the Participating Countries by formal nomination. They will participate in the MC as observers and may be also included in national sub/committees (or other mechanisms or entities as provided by the respective national rules).
4. Representatives of the European Commission, the MA and, where necessary, the Audit Authority (hereinafter referred to as AA) shall participate in MC meetings in an advisory capacity. Representatives of the JS shall participate at MC meetings with a support function.

Other representatives and experts may also attend the MC meetings as observers, provided that the agreement and appointment is obtained in advance. Observers and advisors have no right to vote.

5. The voting members of the MC shall participate in person in the MC meetings. In cases where a member is not able to participate in a meeting, he/she may be replaced by his/her appointed deputy. In exceptional cases when neither the member nor the deputy can participate, a substitute may be sent to participate in the MC meeting. However, MA/JS has to be officially notified in writing by respective NA at least 3 days prior to the meeting.
6. The composition of the MC, including voting members and their respective deputies shall be published on the Programme website.

### Article 3

#### 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 Programme;
  - any issues that affect the performance of the 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 operations of strategic importance and, where applicable, of large infrastructure projects;
  - the progress in administrative capacity building for public institutions and beneficiaries, where relevant.
3. In selecting the operations, the MC or, where applicable, the Steering Committee (hereinafter referred to as SC) shall:
  - ensure that selected operations comply with the Programme and provide an effective contribution to the achievement of its specific objectives;
  - ensure that selected operations do not conflict with the corresponding strategies established pursuant to Article 10(1) of the Interreg Regulation or established for one or more of the external financing instruments of the Union;
  - ensure that selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;
  - 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;

- ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council 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;
  - verify that where the operations have started before the submission of an application for funding to the MA, the applicable law has been complied with;
  - ensure that selected operations fall within the scope of the Interreg fund concerned and are attributed to a type of intervention;
  - 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 the CPR or which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65(1) of that Regulation;
  - 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
  - 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 out.
4. During the project selection procedure, the MC has to pay special attention to avoid double financing of operations or operation parts, therefore it is obliged to monitor and announce eventual operations that have similar content.
5. 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 selection of operations, including any changes thereto;
  - the evaluation plan and any amendment thereto;
  - any proposal by the MA for the amendment of the Programme, including transfer of funds between priorities in accordance with Article 19 (5) of the Interreg Regulation;
  - the final performance report.
6. Furthermore, the MC shall also:
- approve eligibility rules at Programme level in accordance with Article 37 of the Interreg Regulation;
  - give the opinion with regard to the eligibility of a selected operation in the event of a difference of the opinions between the MA and AA;
  - set up one or more steering committees, if applicable, which act under its responsibility for the selection of operations;
  - select operations on the basis of the assessment done in compliance with the approved methodology for assessment and selection of operations;
  - if relevant, examine and approve major modifications of the operations related to the change of partnership, in line with the provisions of the subsidy contract and Project Implementation Manual (PIM);

- 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;
- be informed of the annual control report and of any relevant comments the Commission may make after examining that report.

## Article 4

### Chairmanship and meetings

1. The MC shall be chaired by the MA and co-chaired by the NA of one of the Participating Countries, depending on the country where the MC meeting is held. In case of physical format, the MC meetings will be held based on rotation principle as indicated below<sup>1</sup>:

MC meeting	Participating Country
1st	Montenegro
2nd	Bosnia and Herzegovina
3rd	Croatia
...	...

2. The Chairperson shall:
  - a) convene the MC at least once a year. Additional meetings may also be convened at the initiative of the MA, of the Participating Countries or of the Commission. MC meetings may take place in a physical, virtual or hybrid format;
  - b) perform MC chairmanship 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, etc;
  - c) 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 accordance with Article 75 of CPR, the MA with the support of JS shall:
  - a) provide the MC in a timely manner with all information necessary to carry out its tasks (by preparing the materials for the MC meeting, e.g. the meeting agenda, and all necessary materials for the decision making process, decisions, minutes, etc.);
  - b) ensure the follow-up of the decisions and recommendations of the MC.

<sup>1</sup> In special circumstances, with the consent of NAs, it may be decided not to use the rotation principle for a specific MC meeting.

4. Agenda and documents referring to items on the agenda shall be sent by the MA/JS to the members of the MC at least 14 calendar days prior to the MC meetings. In exceptional cases information and documents may be sent 7 calendar days prior to the MC meeting.
5. The members of MC may make proposals for amendments to the agenda in writing, not later than 5 calendar days prior to the meeting. The MC shall adopt its agenda at the beginning of each meeting.
6. Written materials for the MC meetings shall be prepared in English language. Oral communication shall be held in English language or national languages.
7. The JS shall draft meeting minutes of the MC. The minutes shall contain the agenda of the meeting, the list of participants, the summaries of the discussions and the communication of the decisions adopted.
8. The draft meeting minutes shall be submitted to the MC members by MA/JS for comments or corrections within 14 calendar days following the meeting. Members of the MC can formulate their observations or proposal of amendments and send it to the respective NA who shall send it to the MA/JS not later than 10 calendar days after the receipt of the minutes. Following the deadline for submission of comments, the final meeting minutes will be sent to the MC members within 14 calendar days. If no objections are made, the meeting minutes are accepted as approved and sent to the MC members.
9. In principle, the MC meetings shall be organised in the Programme area. In exceptional cases and if appropriate, the MC meetings may be organised elsewhere. MC meeting may be held virtually, if needed. Any necessary practical arrangements will be taken by the hosting Participating Country with the support of the MA/JS.
10. Any expenditures related to the preparation of the MC meetings and activities related to these meetings (e.g. facility rental, catering, interpretation/translation services, travel and accommodation costs) may be covered from the Programme Technical Assistance budget.

## Article 5

### Decision-making

1. Each Participating Country has one vote and is represented by national delegation at the MC meetings. Voting right of one Participating Country cannot be delegated to any of other Participating Countries. Within each national delegation each member shall have a vote.
2. Each national delegation shall be represented by NA member in the MC.
3. The decision of the national delegation represents the standpoint of the Participating Country.
4. The MC shall adopt its decisions by consensus of all three national delegations. The decisions are valid if at least 4 voting members or their appointed deputies of each Participating Country are present at the meeting.
5. In cases where consensus cannot be reached, the Chairperson shall use all appropriate means and shall seek to resolve any differences arising among the participants or propose decision on the issue by written procedure.
6. If an objection for a point for decision is raised, the Chairperson may decide to place the respective point on the agenda of the next MC meeting.
7. Advisors and observers do not have voting rights. However, they have the right to present their opinion.
8. Besides decisions taken at the MC meeting, decisions can be taken via written procedures.
9. The MC members/deputies shall receive all documents which are the basis for taking the decision by e-mail and will be provided with a 14 calendar days deadline for comments and observations to be submitted to the MA.
10. Following the receipt of the comments and observations, MA will consolidate modifications, if any, and submit the documents by e-mail for final decision within 7 calendar days deadline. No reply to the written procedure within the set deadline is regarded as tacit consent.
11. In exceptional cases, 7 calendar days may be provided for the MC to send its standpoint on the proposal.
12. In case there is a significant modification to the content of the written procedure following an observation and/or comment, a new written procedure shall be launched. The MC shall not be asked to decide on more than 3 written procedures on the same issue.
13. The MA notifies MC members on the conclusion of written procedure within 7 calendar days after the end date of the written procedure by e-mail. The notification includes information on the decisions as well as remarks and/or observations raised within the written procedure.
14. However, the MC decisions related to approval of criteria for selecting the operations and selection of operations (final list of operations selected for funding) will be discussed and approved at MC meetings only. In duly exceptional cases – with prior agreement between MA and NAs – written procedure can be launched.



## Article 6

### Code of conduct

1. Any decision taken by MC when executing the tasks laid down in Article 3 shall be free from bias and must not be influenced by partial interest of any of the MC representative. Where the impartial and objective exercise of the functions of a representative involved in MC activities is compromised because of her/his involvement in an operation or for any other reasons involving family, emotional life, political or national affinity, economic interest or other shared interest with an operation applicant or beneficiary, the respective MC representative shall immediately inform the Chairperson. This representative will be excluded from the discussion and decision-making on the operation or subject matter concerned.
2. Without prejudice of EU and national rules on access to information and publication obligations laid down in Article 7, content of MC discussions as well as related information included in working documents (e.g. documents concerning assessment of operations) and electronic tools mentioned in Article 7 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.
3. All representatives of the MC, such as voting members/deputies, advisors and observers, shall be required to respect the impartiality and confidentiality obligations set out in this Article. The Chairperson shall ensure, before starting the MC meeting, that they are aware of them.
4. According to this principle, each MC representative must sign a declaration of impartiality and confidentiality, which is annexed to this RoP. In particular, the Chairperson shall ensure that all MC representatives have signed declaration of impartiality and confidentiality before any assessment and/or decision on selection of operations.

## Article 7

### Publication of information and communication

1. Communication, including the circulation of working documents, among the MC representatives and the MA, JS or Chairperson shall generally be managed via e-mail and video-communication platforms. Transmission of documents shall be done via e-mail.
2. 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 MC meeting and for maintaining MC mailing lists up to date.
3. Pursuant to Article 28(4) of the Interreg Regulation the MA shall publish the summary of both data and information, including decisions, approved by the MC on the Programme website. Summaries shall be published after each MC meeting, upon approval of the respective meeting minutes.

4. Relations with the media linked to the MC shall fall within the responsibility of the MA. Any statement made by any other MC representative shall not be considered as an official position of the MC, unless otherwise agreed.

### Article 8

#### Revision of RoP

1. The MC RoP can be amended with a decision of the MC. Changes in the list of members and observers do not require a formal amendment of the RoP.

### Article 9

#### Final provisions

1. Any representative of the MC found not to be respecting the rules and standards mentioned in these RoP may be banned from the participation in the MC.

#### **Annexes:**

Annex I Declaration of impartiality and confidentiality