

**Rules of Procedure of the
Monitoring Committee
of the
Programme Interreg V-A
Slovakia - Austria
2014-2020**

(Version 23.09.2016)

Preamble

The Member States (MS) of the European Union, Austria and Slovak Republic

on the basis of

Regulation (EU) No 1303/2013 of 17 December 2013 laying down Common Provisions (hereinafter referred to as Common Provisions Regulation), Regulation (EU) No 1301/2013 of 17 December 2013 on the European Regional Development Fund (hereinafter referred to as ERDF Regulation), Commission Regulation (EC) No 1299/2013 of 17 December 2013 laying down specific provisions for the support from ERDF to the European Territorial Cooperation goal (hereinafter referred to as ETC Regulation)

and with regard to

- The Programme Interreg V-A Slovakia-Austria 2014-2020 (further referred to as "CP") , approved by the European Commission (EC) on 28.07.2015 (with the CCI No 2014TC16RFCB003)
- the Agreement between the Slovak and Austrian institutions involved in programme management and implementation and the Ministry of Agriculture and Rural Development of the Slovak Republic as Managing Authority (further referred to as "MA") of the programme,
- the description of the management and control system according to Article 72 (1) of the Common Provision Regulation

decide to establish a Monitoring Committee (further referred to as "MC") for the implementation of the CP Slovakia-Austria 2014-2020.

**§ 1
Tasks and competences**

In accordance with Article 49 of the Common Provisions Regulation, the MC shall satisfy itself as to the effectiveness and quality of the implementation of the OP and shall be responsible for selecting operations according to Article 12 of the ETC Regulation.

The MC shall fulfil its tasks in accordance with the following provisions:

Monitoring of Implementation, Performance Review

- a) in accordance with Article 49, par. 1 of the Common Provisions Regulation the monitoring committee shall meet at least once a year and shall review implementation of the programme and progress made towards achieving its objectives. In doing so, it shall have regard to the financial data, common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework;
- b) in accordance with Article 49 par. 2 of the Common Provisions Regulation the MC shall examine all issues that affect the performance of the programme, including the conclusions of the performance reviews;
- c) in accordance with Article 49, par. 4 of the Common Provisions Regulation the MC may make observations to the MA regarding implementation and evaluation of the programme including actions related to the reduction of the administrative burden on beneficiaries; the MC shall monitor actions taken as a result of its observations;
- d) in accordance with Article 110, par. 2, lit e) of the Common Provisions Regulation the MC shall examine and approve any amendment of the programme proposed by the MA;
- e) the MC shall – in case that serious problems have been identified by the Audit Authority in accordance with Article 127 of the Common Provision Regulation - support the MA in taking appropriate corrective measures.

Programme Management

- a) in accordance with Article 18, par. 2 of the ETC Regulation the MC shall establish rules on eligibility of expenditure for the programme (as a whole);
- b) the MC shall adopt the Manuals for Applicants and Beneficiaries and the Application Package including the Application Form and further guidance documents;
- c) in accordance with Article 110, par. 2 lit. e) of the Common Provisions Regulation the MC shall examine and approve the communication strategy as defined in Article 116 of the Common Provision Regulation as well as examine its implementation in accordance with Article 110, par. 1, lit. c) of this Regulation;
- d) the MC shall decide, in agreement with the MA, on the implementation of the Technical Assistance (TA) for the MA/JS on basis of a work plan containing detailed descriptions of activities, cost categories and a financial plan covering the complete programme period. The MC shall be informed on an annual basis about all activities and costs which are described in the TA project of the MA/JS. In case of deviations from the work plan an explicit ex-ante decision of the MC on the modification of the work plan is required.

Evaluation and Reporting

- a) in accordance with Article 110, par. 2 lit. c) of the Common Provisions Regulation the MC shall examine and approve the evaluation plan for the operational programme and any amendment of the evaluation plan;
- b) in accordance with Article 110, par. 2 lit b) of the Common Provisions Regulation the MC shall examine and approve the annual and final reports on implementation;
- c) in accordance with Article 110, par. 1 lit f) and g) of the Common Provisions Regulation the MC shall examine actions to promote equality between men and women, equal opportunities and non-discrimination (including persons with disabilities) and actions to promote sustainable development
- d) the MC shall be informed about the annual control report, or of the part of the report referring to the operational programme concerned, and of any relevant comments the Commission may make after examining that report or relating to that part of the report.

Selection of projects/operations

- a) in accordance with Article 110, par. 2, lit. a) of the Common Provisions Regulation the MC shall consider and approve the criteria for selecting the operations financed within six months of the approval of the OP and approve any revision of those criteria in accordance with programming needs;
- b) in accordance with Article 12, par. 1 of the ETC Regulation the MC shall select operations (including TA projects) for co-financing according to the approved criteria for selecting the operations taking into account the recommendations prepared by the Joint Secretariat (JS, SpS, GS). The MC can decide whether project should be approved, approved with conditions, or rejected. The MC decides on the projects submitted in each Investment Priority based on ranking list as result of qualitative assessment performed by the JS.
- c) the MC shall ensure that reasons for acceptance or rejection of applications are clearly set out in the MC decision;
- d) the MC shall approve major changes in approved operations;
- e) the MC shall approve measures affecting the operations in order to minimise/reduce de-commitment risk;
- f) the MC shall be informed about the fulfilment of conditions set by the MC; the information shall be provided by the JS in subsequent meetings

Competence to create subcommittees, working groups and similar bodies

- a) The MC has the competence to create subcommittees, working groups and similar bodies; it shall define the procedures and decide about competences of such subcommittees, working groups and similar bodies if needed.

- b) The Task Force (TF) shall be established for the following purposes and objectives: to support the programme implementation in all aspects, to discuss and to elaborate templates and documents respectively all necessary amendments to the documents which are relevant for the programme implementation. Focus shall be put on the discussion and the eventual adjustment of programme procedures if needed. The TF members are nominated by MC and consist of the representatives of MA, representative of member states, FLC and JS. The members of MC have the possibility to propose the topics of the TF. The working principles are defined in the RoP of the TF (Annex 3)

§ 2 Composition

1. The MC shall aim at a limited number of representatives from both national and regional authorities from the cross border programme area (Slovak Republic and Austria) to ensure efficiency and broad representation. The representatives of the MC shall be nominated by the national and regional authorities explicitly for functions referred to in § 1 and their appointment shall be reported to the MA. The MC shall aim at a balanced representation of men and women.
2. In accordance with Article 125 (2) (a) of regulation (EU)1303/2013, the Managing Authority shall support the work of the MC and provide it with the information it requires to carry out its tasks.
3. The members of the MC are specified in Annex 1 to this document. Representatives of the JS shall participate at MC meetings with a supportive function. Audit Authority (AA) acts as an observer at MC meetings.
4. The partners have the right to substitute their nominated representatives by written appointment of deputies for the meetings.
5. If required by the agenda, the chairperson of the MC (further referred to as "MC Chair") shall have the right to involve other thematic experts or to invite guests to the MC meetings. If the MC Chair so decides, he/she shall inform the MC members at the latest 7 calendar days before the meeting.
6. Subject to prior notification and to the approval of the MC Chair, members of the MC can be accompanied by an expert.
7. The MC chair may, after consultation with the respective institution, propose the resignation of a representative which has not participated at three consecutive MC meetings neither in person nor represented by a nominated substitute. In this case the MC chair will ask the institution to nominate a new representative.
8. Membership at the MC can be cancelled by informing in written the MC Chair. In this case, the institution will nominate a new representative.

§ 3

Chairpersonship and Meetings

The MC Chair shall be given to the MA.

1. 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;
 - b) draw up a provisional agenda, which shall be sent together with the invitation and the necessary documents in electronic form to the members of the MC at least 10 calendar days before the date of the meeting;
 - c) perform MC Chair duties during the meetings e.g. declare the opening and closing of each meeting, direct the discussion, accord the right to speak, put questions to the vote, announce the decisions, rule on points of order, and pursuant to these rules of procedure, have control of the proceedings;
 - d) be responsible for the proper functioning of the MC.
2. Any request to change the proposed date or the proposed agenda must be communicated in a written form (via E-mail) to the MA at least 7 calendar days before the date of the meeting.
 3. In preparing the meetings, the MC Chair shall co-operate closely with the JS.
 4. On behalf of the MC Chair, the JS shall send the resulting minutes, drafted in consultation with the MC Chair to the members of the MC for comments not later than 21 calendar days after a meeting. If no objections are raised within 21 calendar days after the minutes were sent, they are considered as approved. If objections are raised, the MC Chair shall revise the minutes accordingly, decide on the final version and send it to the members of the MC for approval.
 5. Upon agreement in the MC the periods set out in points 1 to 4 might be reduced or prolonged.
 6. The meetings of the MC are confidential in nature. The main decisions taken by the MC have to be published on the programme website.

§ 4

Decision-Making

1. The Committee is considered regularly established and its decision has validity if not fewer than half of the voting Members are present at the opening of the meeting and at least one voting member from Austria and one voting member from Slovakia are present.
2. In case that the MC has a quorum at its meeting, decision-making will be by consensus among both national delegations of the partner states present, meaning one vote per delegation.
3. The MC duly considers and discusses the objectives, contents and the partnership of each project. In case that all three elements are considered as de-

ficient by the Members, the MC should decide to reject the project. In case the intent of the project is considered as being of interest and the elements are only partially deficient the MC may explicitly recommend the re-submission of the revised project for one of the forthcoming MC meetings.

4. In case of a project change request the (Austrian) region which is affected by financial consequences resulting from the change has the right to veto against the decision of the other MC members.
5. If a decision needs to be taken before the next MC meeting the MC Chair can initiate a decision-making process in writing. In this case JS shall send the request and the related documentation to all members of the MC by e-mail message. All members shall have 28 calendar days from dispatch of the proposal to respond in writing. In duly justified cases this period can be shortened to 7 calendar days. If no objection has been received by the specified time the proposal is considered as approved by the MC. This procedure may not be used in the month of August.
6. If written statements which express acceptance under conditions are received by the JS on time the Chairperson will decide on further proceedings, i.e. whether further discussion with the relevant member should take place or if it will be placed on the agenda of the next meeting of the MC. Delegations of both states can withdraw their objection at any time.
7. The MC members can propose amendments or editorial changes in the documents related to the implementation of the programme (e.g. the Manuals for Applicants and Beneficiaries, the Application Package including the Application Form and other guidance documents) by written procedure. In consultation with the MC Chair the remarks proposed should be incorporated as long as they neither change the content's meaning nor have a negative impact on the partner 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 period of 28 days – or the reduced period - has expired, the JS shall immediately 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 profound objections concerning the compliance of a decision taken by the MC with the legal basis 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 members of the MC. A new decision by the MC has to take the report into consideration.

§ 5 Impartiality

1. With regard to the tasks of the MC laid down in § 1 it shall be ensured that any assessment and/or decision of the MC will be free from bias and must not be influenced by partial interest of any of the individual members of this committee. In case of partial interest the respective Member of the MC has to inform the MC Chair at the beginning of the meeting or at the latest at the beginning of the discussion about the respective item. The respective Member of the MC will be excluded from the decision making on the item concerned.
2. The fact that a Member of the MC has been excluded from the decision making will be documented in the Minutes of the meeting.
3. All members of MC and their substitutes should confirm their impartiality by signing the Declaration of Impartiality which is added as Annex 2 in Slovak and German.

§ 6 Joint Secretariat (JS, SpS, GS)

1. The MC will be supported by the Joint Secretariat. In particular the JS is responsible for the preparation of all documentation, the invitation and the organisation relating to the MC meetings as well as the documentation of results.
2. Further on the JS shall present to the MC regularly information on operations and data analysis out of data collected in the Central Monitoring System.
3. The JS is responsible to keep all contact details of the MC members updated.

§ 7 Official and working language

1. The official languages of the MC shall be Slovak and German. This rule also applies to the official documents of the MC.
2. In the event of an urgent need and upon approval of its members English may be used as a subsidiary working language.

§ 8 Revision

After their adoption, the Rules of Procedure of the MC may be amended by consensus of both national delegations. Rules of Procedures of the MC enter into force upon approval by the Monitoring Committee.

Adopted on 23.09.2016

Annex 1

1.1. Voting members

In Slovakia the following Authorities will designate member(s) of the MC and their substitute(s):

- Self-Governing Region Trnava (TTSK)
- Self-Governing Region Bratislava (BSK)
- City of Bratislava
- Ministry of Agriculture and Rural Development of the Slovak Republic
- Ministry of Environment of Slovak Republic

In Austria the following Authorities will designate member(s) of the MC and their substitute(s):

- Office of Government of the Burgenland
- Office of Government of Lower Austria
- Office of Government of Vienna
- Ministry of Science, Research and Economy – Section of Science
- Ministry for Agriculture, Forestry, Environment and Water Management
- Ministry of Labour, Social Affairs and Consumer Protection

The aforementioned authorities have the right to vote.

1.2. Programme authorities

The following institutions acting as programme authorities will designate members of the MC:

- Ministry of Agriculture and Rural Development acting as Managing Authority (MA)
- Ministry of Finance of the Slovak Republic (Section of Audit and Control) acting as Audit Authority (AA)
- Ministry of Finance of the Slovak Republic (European Funds Section) acting as Certifying Authority (CA)

The aforementioned authorities have no right to vote.

1.3. Members in an advisory capacity

The European Commission shall participate in the work of the Monitoring Committee in an advisory capacity, in line with Article 48 (3) of regulation (EU) 1303/2013.

The following institutions may designate one member (and deputy) in advisory capacity:

- NÖ.Regional.GmbH
- Federal Chancellery of Austria
- First Level Control Bodies
- Ministry of Science, Research and Economy of Austria – Section of Economy
- Office of Government of Slovak Republic
- Ministry for Foreign Affairs of Austria

Representatives of civil society organisations and institutions which are in charge of the thematic issues i.e. economic and social partners, equal opportunities, environmental sustainability, local agenda, will be invited to participate as members in an advisory capacity:

- Umweltdachverband
- Association of cities and municipalities of the Slovak Republic

Further organisations and institutions are intended to be invited.
The aforementioned authorities have no right to vote.

1.4. Experts

Experts may be designated upon request.

Annex 2

Declaration of impartiality in Slovak

PREHLÁSENIE NA PREZENČNEJ LISTINE MONITOROVACIEHO VÝBORU PROGRAMU INTERREG V-A SK-AT

Mojim podpisom potvrdzujem, že

1. budem svoje povinnosti vykonávať zodpovedne, svedomito a v súlade s ustanoveniami rokovacieho poriadku Monitorovacieho výboru;
2. so všetkými informáciami a dokumentmi, ktoré v súvislosti s činnosťou v monitorovacom výbore získam, budem nakladať prísne dôverne;

Ako člen s hlasovacím právom potvrdzujem, že

3. budem projekty hodnotiť objektívne, nestranne a nezávisle;
4. o prípadnom konflikte záujmov budem bez vyzvania a načas informovať monitorovací výbor, t.j. predtým ako sa začne o projektovej žiadosti alebo o už realizovanom projekte diskutovať; (najmä v prípade účasti na príprave a vypracovaní, hodnotení alebo implementácii projektu z dôvodu blízkeho profesionálneho alebo súkromného vzťahu) a že sa v tomto prípade na rozhodovaní o takomto projekte nezúčastním.

Annex 2 ctd.

Declaration of impartiality in German

ERKLÄRUNG AUF DER ANWESENHEITSLISTE DES BEGLEITAUSSCHUSSES FÜR DAS PROGRAMM INTERREG V-A SK-AT

Mit meiner Unterschrift erkläre ich, dass

1. ich meinen Pflichten ehrlich, gewissenhaft und im Einklang mit den Festlegungen in der Geschäftsordnung des Begleitausschusses nachgehen werde;
2. ich jegliche Informationen oder Dokumente, die ich im Zusammenhang mit der Tätigkeit im Begleitausschuss erhalte, streng vertraulich behandeln werde;

Als stimmberechtigtes Mitglied erkläre ich, dass

3. ich Projekte objektiv, unparteiisch und unabhängig bewerten werde;
4. ich einen Interessenskonflikt dem Begleitausschuss unaufgefordert und rechtzeitig bekanntgebe, d.h. bevor ein Projektantrag oder ein laufendes Projekt zur Diskussion kommt (insbesondere im Falle der Beteiligung an der Vorbereitung und Ausarbeitung, der Bewertung, bzw. der späteren Umsetzung des Projektes oder aufgrund eines beruflichen oder privaten Naheverhältnisses) und, dass ich in diesem Falle nicht an der Entscheidung zum betroffenen Projekt teilnehme.