



Interreg VI-A
Poland-Denmark-Germany-Lithuania-Sweden (South Baltic)
Programme 2021-2027

THE MONITORING COMMITTEE
- Rules of Procedure -
approved by the Monitoring Committee on 8th November 2022

LIST OF ABBREVIATIONS

EC	European Commission
CPR	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 (OJ L 231, 30.06.2021, p. 159)
Interreg 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 (OJ L 231, 30.06.2021, p. 94)
European Code of Conduct on Partnership	Regulation (EU) No 240/2014 on the European Code of Conduct on Partnership in the framework of the European Structural and Investment Funds adopted by the European Commission on 7 January 2014
JS	Joint Secretariat
MA	Managing Authority
MC	Monitoring Committee
SBP	(Interreg VI-A) Poland-Denmark-Germany-Lithuania-Sweden (South Baltic) Programme 2021-2027 CCI no. 2021TC16RFCB012
MC delegations	5 delegations representing 5 Member States participating in the SBP and 1 joint delegation representing Euroregion Baltic and Euroregion Pomerania

Article 1

General Provisions

According to:

- Article 28 of 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 (OJ L 231, 30.06.2021, p. 94) (hereinafter referred to as the "Interreg regulation"),
- the delegated Regulation (EU) No 240/2014 on the European Code of Conduct on Partnership in the framework of the European Structural and Investment Funds adopted by the European Commission on 7 January 2014 (hereinafter referred to as the European Code of Conduct on Partnership),
- INTERREG VI-A Poland-Denmark-Germany-Lithuania-Sweden (South Baltic) Programme 2021-2027 (hereinafter referred to as the SBP).

The Republic of Poland acting as the Managing Authority (hereinafter referred to as the MA), represented by the Minister responsible for the regional development of Poland and the European Union Member States participating in the SBP: the Kingdom of Denmark, the Kingdom of Sweden, Mecklenburg-Vorpommern (Land of the Federal Republic of Germany), and the Republic of Lithuania, have agreed on the establishment of the **Monitoring Committee** (hereinafter referred to as the MC) to supervise the effectiveness and correctness of the implementation of the SBP.

Article 2

Responsibilities and tasks of the Monitoring Committee

1. In accordance with Article 30(2) of the Interreg Regulation and the SBP the MC shall approve:
 - the methodology and criteria used for the selection of operations, including any changes thereto, after notifying the Commission, where requested, pursuant to Article 22(2) of the Interreg Regulation;
 - the evaluation plan and any amendment thereto;
 - any proposal by the MA for the amendment of the SBP, including a transfer of programme's allocation between priorities in accordance with Article 19(5) of the Interreg regulation;
 - the final performance report.
2. In accordance with Articles 19, 22 and 30 of the Interreg Regulation and the SBP, the MC shall also:

- examine the progress in the SBP implementation and in achieving the milestones and targets of the SBP;
- examine any issues that affect the performance of the SBP and the measures taken to address these issues;
- examine the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings; and be informed about the results, conclusions and recommendations from the evaluations carried out;
- examine the progress in implementing operations of strategic importance;
- approve the Programme Manual and other implementing documents and any amendments thereto, if necessary,
- select projects for funding, after previous assessment provided by the Joint Secretariat (hereinafter referred to as the JS), with regard to Article 22(4) of the Interreg regulation¹;
- approve changes, if applicable, to be introduced to the selected and contracted projects;
- establish the eligibility rules for the SBP;
- be informed on the projects' results implemented within the SBP;
- approve the Communication Strategy of the SBP and monitor its implementation as well as provide recommendations for improving its implementation;

¹ Article 22 (4). In selecting operations, the monitoring committee or, where applicable, the steering committee 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;
- (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;
- (e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council(19)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 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 out.

- be consulted on the institutional structure of the SBP. Furthermore, the Monitoring Committee shall be updated about the management processes between and within the SBP institutions, with reservation to constraints deriving from national law;
 - adopt the Rules of Procedure of the MC and any amendments thereto.
3. The work of the Monitoring Committee does not affect the responsibilities of the MA, the JS, the Contact Points and Member States in regard to the allocation, accounting, management and control of the use of funds within the SBP.

Article 3

Appointment and structure of the Monitoring Committee

1. The MC is set up in compliance with the partnership principle as referred to in Article 8 of the CPR and the European Code of Conduct on Partnership. The delegations shall also seek to involve a variety of different partners with a view of strengthening institutional capacity for participating in international cooperation activities within the Programme area. Relevant partners from Member States shall be involved in the work of the MC, including also national **or relevant** networks and fora.
2. The MC consists of representatives from the five Member States involved in the SBP and of the two Euroregions: Euroregion Baltic and Euroregion Pomerania, the MA, the JS, the European Commission and observers.
3. Each Member State (hereinafter referred to as the MS) shall appoint up to eight members and up to eight deputies.
4. The Euroregions shall appoint one joint head of the Euroregion delegation. The delegation of the Euroregions shall consist of no more than 2 members and one deputy of each member.
5. MC members and their deputies are individuals representing authorities and organisations as decided by each MS and the Euroregions.
6. Each national and euroregional delegation of the MC has its own head. The head of the delegation or his/her deputy shall always be present during the meeting. The head of national delegation is being appointed among and by the members of the national delegation to the MC. Information concerning contact details to the head of national delegation shall be submitted to the JS.
7. The heads of the MC delegations shall closely cooperate with the MC chairperson, the JS and the MA as regards issues related to the functioning of the MC.
8. Any appointment and any recall of a member/deputy of the MC shall be reported by the head of the MC delegation to the JS without delay. The head of the MC delegation shall provide the JS with the names and contact details of the appointed representative(s).
9. In compliance with Article 29(2) of the Interreg Regulation the list of members of the MC and their deputies shall be published by the JS at the SBP website.

10. A deputy member shall take part in an MC meeting if the member is not able to attend or in case the member chairs the MC meeting, exception is possible following point 15.
11. The following institutions shall nominate one observer and his/her deputy:
 - The Audit Authority, the Ministry of Finance of Poland,
 - Ministry responsible for regional development of Poland,
 - The German Federal Ministry of Economics and Energy.
12. The following institutions may nominate observer
 - Contact Points in Denmark,
 - Contact Point in Germany,
 - Contact Point in Lithuania,
 - Contact Points in Sweden,
 - Contact Points in Poland.
13. A deputy observer may take part in an MC meeting if the observer is not able to attend.
14. According to Article 29(3) of the Interreg regulation, the European Commission (hereinafter referred to as the EC) shall participate in the work of the MC in an advisory capacity.
15. The MC chairperson may agree on the participation of an ad hoc expert or additional observers in an MC meeting. Request for approval shall be submitted with justification to the MC chairperson at least 7 calendar days prior to the MC meeting.
16. The representatives of the MA and the JS shall support works of the MC.
17. The MA and the heads of the MC delegations shall ensure that the MC composition is in conformity with the equal opportunities policy.
18. MC participants shall be bound by the Rules of Procedure of the MC.

Article 4

Chairmanship

1. Exclusively representatives of the following institutions shall act as the MC chairperson:
 - Ministry responsible for regional development of Poland,
 - Danish Business Authority,
 - Ministry for Enterprise and Innovation of the Kingdom of Sweden,
 - Ministry of the Interior of the Republic of Lithuania,
 - Ministry of Economics, Infrastructure, Tourism and Labour of Mecklenburg-Vorpommern.
2. MC chairmanship shall rotate on an annual basis among the MS participating in the SBP. The MC chairperson shall carry out his/her duties until the day the minutes of the last MC meeting/written procedure he/she chaired have been approved.

MC chairmanship (co- chairmanship) is the following:

2022 Germany (Denmark)

2023 Denmark (Lithuania)

2024 Lithuania (Poland)

2025 Poland (Sweden)

2026 Sweden (Germany)

2027 Germany (Denmark)

2028 Denmark (Lithuania)

2029 Lithuania (Poland)

2030 Poland (Sweden)

2031 Sweden (Germany)

3. The MC chairperson shall have, above all, the following responsibilities and tasks:

- on the basis of an agreement with the heads of the MC delegations and the MA, he/she convenes an MC meeting and sets its date according to the progress of the implementation of the SBP,
- approves the draft agenda of an MC meeting, before it is sent out,
- chairs an MC meeting,
- together with the heads of the MC delegations and with support of the JS and the MA, as mentioned in Article 5, is responsible for the overall functioning of the MC.

Article 5

Joint Secretariat

1. The JS shall assist the MC and the MC chairperson.

2. The JS shall perform all duties necessary for the proper work of the MC. In particular the JS shall:

- prepare (unless other institutions involved in the SBP are responsible for the task) and distribute electronically to all participants supporting documents needed to conduct discussions on the items on the agenda of the MC meeting,
- prepare (unless other institutions involved in the SBP are responsible for the task) and distribute electronically to all members of the MC supporting documents needed to conduct a written procedure (*per rollam*) on the items on the agenda of the MC,
- organize and carry out the preparation of the MC meetings and assist its activities,
- draft minutes of the MC meetings of the decisions taken by the MC,
- ensure that decisions of the MC have been executed,

- confirm that conditions set out by the MC, concerning projects, have been met by beneficiaries,
- ensure, at request of the MC, sufficient publicity of the SBP and the MC work,
- provide for all technical and logistical arrangements of the MC work,
- assist any working group, appointed by the MC,
- update the list of the MC members and their deputies.

Article 6

Organisation of the Monitoring Committee meetings

1. The MC meetings as a rule, except for justified cases, shall be held within the eligible area of the SBP.
2. As a principle, the MC meetings shall be held at least once a year in a physical way (face-to-face).
3. If necessary and requested by the Chairperson or the head of MC delegation or the MA, meeting may be organised with the use of electronic means of communication in on-line form.
4. The JS, on behalf of the MC chairperson, shall electronically send invitations to all participants at least 28 calendar days prior to the convened meeting. A draft agenda of the MC meeting shall be enclosed.
5. The JS shall distribute supporting documents at least 14 calendar days prior to the convened meeting.
6. The JS shall distribute application forms and assessment sheets of the projects to be discussed and voted on at least 28 calendar days prior to the convened meeting.
7. The MC members and representatives of the MA, the JS and the EC may raise any amendment to the agenda of a MC meeting. Requests concerning the amendment to the agenda shall be communicated to the MC chairperson at least 21 calendar days prior to the scheduled meeting. If no objections are raised in relation to the requested amendments, the JS on behalf of the MC chairperson shall declare the amendment adopted. The JS shall inform all the members of the MC about any amendments to the agenda at least 14 calendar days prior to the MC meeting.
8. The JS shall draft a list of decisions taken by the MC during the meeting. The list shall be published on the SBP website directly after the MC meeting.
9. The MC may appoint working groups consisting of the MC members, observers and other experts to give their opinions/provide their expertise with regard to a given item on the agenda. The Rules of Procedure of the MC shall apply to all members of the working groups appointed in such a way.
10. The MC meetings are not open to the public.
11. Documents disclosed to the MC participants or ad hoc experts, as referred to in Article 3 section 15, shall be used only for the purpose directly related to the works of the MC. If the documents are forwarded to any national subcommittee or any cooperation network, the head of the MC delegation shall point out to the

respective addressee that aforementioned documents shall be used only for the purpose directly related to the works of the MC.

12. The MC meetings shall be recorded.

Article 7

Project selection

Concerning the selection of projects the following rules shall apply:

- a) the MC shall select projects for funding, in accordance with Article 22 of Interreg regulation. Projects may be selected with conditions;
- b) the MC shall in particular make sure that the applications selected correspond to the SBP objectives and to the selection criteria. The MC shall ensure or verify that the conditions mentioned in Article 22(4) of Interreg Regulation, are met.
- c) the MC may discuss the assessment results and the recommendations provided by the JS and propose changes to it if those changes are justified;
- d) the MC shall clearly set out the terms of selection/reasons for not selecting projects. They shall be communicated to the lead applicant by the JS;
- e) as a general rule, the MC shall select projects under conditions only if the conditions have been set out in writing beforehand as part of the assessment sheet, or if they can be clearly defined during the MC meeting or written procedure.

Article 8

Decision making/Voting

1. Each MC delegation has one vote. Each MC delegation is responsible for the internal decision making process.
2. In order to make decisions at meetings a quorum of six MC delegations is required.
3. Decisions shall be made by consensus.
4. Votes are cast in favour or opposed. If the standpoints of the MC delegations are not unanimous, the overall standpoint concerning the discussed issue is negative. Abstention from voting has no effect on the outcome of the vote.
5. All decisions shall be impartial and free of conflict of interest. In order to secure it and avoid any conflict of interest, each participant shall sign the Declaration of Impartiality and Confidentiality² (Annex 1) and inform the JS about potential situation of conflict of interests before voting.

² The Declaration of Impartiality and Confidentiality will include reference to the EC's Guidelines on conflict of interests.

6. An MC member or his/her deputy shall refrain from voting on decisions concerning project applications or changes to be introduced to the selected and contracted projects if he/she has direct personal interest in the decision or the institution represented by the MC member or the deputy member has interest in the decision.

Article 9

Written Procedure (*per rollam*)

1. In justified cases the MC chairperson may, from his/her own initiative or on the basis of a request submitted by the head of an MC delegation or the MA, decide about making decisions by the written procedure (*per rollam*).
2. The JS shall commence the written procedure at the request of the MC chairperson.
3. Decisions shall be made by consensus.
4. Votes via the written procedure shall be cast within 14 calendar days after the commencement of the procedure. Lack of vote within the deadline shall be regarded as abstention.
5. The vote, resulting from the internal agreement within the delegation, shall be sent by the head of the delegation to the JS, with CC to all the MC members.
6. The deadline may be shortened in justified cases. The decision to shorten the deadlines shall be consulted with the heads of the MC delegations.

Article 10

Official Language

Working and official language of the MC shall be English.

Article 11

Expenses

1. Any expenses related to preparation and organization of the MC meetings (e.g. facility rental, catering) shall be covered from the Technical Assistance budget of the SBP.
2. All expenses of the participants of the MC meetings (excluding the MA, the JS and Contact Points) related to their participation in a MC meeting (i.e. travel, accommodation and allowances) shall be covered by the delegating institution.
3. Participation of the MA, the JS, and the Contact Points staff in the MC meetings shall be covered from the Technical Assistance budget of the SBP.

Article 12

Rules of Procedure

Rules of Procedure enter into force on the day of adoption by the MC.

Annexes:

1. Declaration of Impartiality and Confidentiality.
2. Complaint procedure on project selection.