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UNIA EUROPEJSKA
EUROPEJSKI FUNDUSZ
ROZWOJU REGIONALNEGO

EUROPEAN TERRITORIAL COOPERATION

Cross-border Co-operation Programme Republic of Poland – Slovak Republic

2007-2013

THE MONITORING COMMITTEE

- Rules of Procedure -

Co-financed by the European Union (European Regional Development Fund)

LIST OF ABBREVIATIONS

EC	European Commission
ERDF Regulation	Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999
General Regulation	Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999
JTS	Joint Technical Secretariat
MA	Managing Authority
MC	Monitoring Committee
NC	National Coordinator
MRD RP	Ministry of Regional Development of the Republic of Poland
MARD SR	Ministry of Agriculture and Rural Development of the Slovak Republic
Programme	Republic of Poland – Slovak Republic Cross-border Co-operation Operational Programme 2007-2013

Annexes:

Annex No 1. Declaration of Impartiality and Confidentiality for a Member/Deputy Member/ Observer/ Deputy Observer/ Observer ad hoc/Expert of the MC.

Article 1

General Provisions

1. The Cross-border Cooperation Programme Poland-Slovak Republic 2007-2013 Monitoring Committee was set up in order to implement the articles 63-66 of the Council Regulation (EC) No 1083/2006 of July 11th, 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and the repealing Regulation (EC) No 1260/1999 (hereinafter referred to as the General Regulation), as well as Chapter 8.2.9 of the Cross-border Cooperation Operational Programme Poland-Slovak Republic 2007-2013 (hereinafter referred to as the Programme).
2. Republic of Poland as the Managing Authority (hereinafter referred to as the MA) represented by the Ministry of Regional Development of the Republic of Poland (hereinafter referred to as the MRD RP) and the Slovak Republic as the National Coordinator (hereinafter referred as the NC) represented by the Ministry of Agriculture and Rural Development of the Slovak Republic (hereinafter referred to as the MARD SR) have agreed the establishment of the **Monitoring Committee** (hereinafter referred to as the MC) to supervise the effectiveness and correctness of the implementation of the Programme approved by the European Commission on December 20th, 2007 (Decision No C (2007)6534).

Article 2

Tasks

1. The MC shall carry out the following tasks:
 - tasks specified in the Article 65 of the General Regulation (EC) No 1083/2006 laying down general provisions of the European Regional Development Fund;
 - it shall approve, conditionally approve or reject projects applying for European Regional Development Fund co-financing, including the Technical Assistance projects;
 - it shall approve, conditionally approve or reject motions for significant changes in projects that, according to the MA or pursuant to adequate provisions in the Programme documents, require the MC decision;
 - it shall make decisions connected to the Programme implementation monitoring in cases pursuant to provisions in the Programme documents;
 - it shall approve the MC Rules of Procedure and any amendments thereto;
 - it shall approve the model Application Pack, including the Application Form with all the attachments, the Guidelines for the Application Form, the Programme Manual, as well as evaluation sheets along with guidelines for evaluators;
 - its hall approve the final version of the Operational Programme for the Cross-border Cooperation Programme Poland-Slovak Republic 2014-2020 as well as other Programme documents before they are submitted to the European Commission.
2. In addition to the above-mentioned tasks, the MC is also obliged to facilitate the exchange of information and hold meetings on issues concerning implementation of the

Programme, its evaluation and amendments to the Programme, in order to ensure the highest possible quality of the implementation procedure.

Article 3

Members

1. Voting members

In the **Republic of Poland** each of the bodies mentioned below shall name one member having the voting rights and one deputy representative of the member having the voting rights whose votes will constitute the vote of the National Delegation:

- The Ministry of Regional Development of the Republic of Poland as the Managing Authority,
- Małopolskie Voivodship,
- Śląskie Voivodship,
- Podkarpackie Voivodship ,
- Stowarzyszenie “Region Beskidy”,
- Związek Euroregion “Tatry”,
- Stowarzyszenie Euroregion Karpacki Polska.

In the **Slovak Republic** each of the institutions mentioned below shall name one member having voting rights and one deputy representative of the member having voting rights whose votes will constitute the vote of the National Delegation:

- Ministry of Agriculture and Rural Development of the Slovak Republic as the National Coordinator,
- Ministry of Environment of the Slovak Republic,
- Higher Territorial Unit Prešov,
- Higher Territorial Unit Žilina,
- Association of Municipalities.

Each Member State participating in the Programme shall appoint up to six (6) institutions taking part in the MC activities.

2. Observers

The below-mentioned institutions shall name one observer without voting rights and one deputy observer, also without voting rights:

- the Ministry of Finance of the Republic of Poland, acting as the Audit Authority,
- the Ministry of Regional Development of the Republic of Poland, Department of Certifying Authority, acting as the Certifying Authority,
- the Ministry of Regional Development of the Republic of Poland, Department of Structural Policy Coordination,
- Representatives of the 1st level control of the Republic of Poland,
- Representatives of economic, environmental and social partners of the Republic of Poland
- the Ministry of Finance of the Slovak Republic (members of the Group of Auditors),

- Ministry of the Interior of the Slovak Republic,
 - Forum of Slovak Euroregions,
 - Representatives of Higher Territorial Unit Prešov ,
 - Representatives of Higher Territorial Unit Žilina .
3. Appointments of the MC members, their deputies or observers and their deputies are coordinated respectively by the Ministry of Regional Development in the Republic of Poland acting as the Managing Authority, and by the Ministry of Agriculture and Rural Development of the Slovak Republic acting as the National Coordinator.
 4. The JTS is directly informed about every change by the MRD RP or the MARD SR respectively.
 5. The Chairperson of the Polish National Delegation is the Representative of the Ministry of Regional Development of the Republic of Poland and the Chairperson of the Slovak national delegation is the Representative of the Ministry of Agriculture and Rural Development of the Slovak Republic (this applies both to regular proceedings and to the written procedure).
 6. One member with voting rights from institutions listed in Article 3 point 1 shall take part in a MC meeting. In case both a member and his/her deputy attend the MC meeting, the voting rights shall be borne by the MC member.
 7. In case of a voting member or his/her deputy, observer or his/her deputy from a given institution being unable to take part in a given MC meeting, a new representative is appointed by the relevant institution mentioned in Article 3 point 1 or 3 to take part in the given MC meeting. The new appointment shall be made known to the Chairperson of the relevant National Delegation and the JTS by post and fax/scanned e-mail at least three (3) working days ahead of the MC meeting (taking into account and excluding holidays in both countries). The proxy is valid only for a particular MC meeting.
 8. Each member, deputy member, observer and deputy observer shall sign the Declaration of Impartiality and Confidentiality at the beginning of each MC meeting (Annex No 1) and shall abide by the Rules of Procedure of the MC.

Article 4

Observers ad hoc and experts

1. The MC Chairperson may agree on the participation of an *ad hoc* observer in each MC meeting. A request for approval of the participation of an observer is submitted to the Ministry of Regional Development of the Republic of Poland and the information is passed along also to the Ministry of Agriculture and Rural Development of the Slovak Republic and the JTS by an appointed MC member/deputy member at least seven (7) working days ahead of the planned MC meeting (taking into account and excluding holidays in both countries). The MC Chairperson, after obtaining the opinion of the NC and the JTS on the submitted candidacy, informs the requesting institution, the NC and the JTS about his/her decision by e-mail at least five (5) working days before the planned MC meeting (taking into account and excluding holidays in both countries).
2. According to the Article 64 of the General Regulation a representative of the European Commission (EC) shall participate in the work of the MC in an advisory capacity.

3. The MC Chairperson may agree on the participation of an *ad hoc* expert in each MC meeting. A request for approval of the participation of an expert is submitted to the Ministry of Regional Development of the Republic of Poland and the information is passed along also to the Ministry of Agriculture and Rural Development of the Slovak Republic and the JTS by an appointed MC member/ deputy member within seven (7) working days ahead of the MC meeting (taking into account and excluding holidays in both countries). The MC Chairperson, after obtaining the opinion of the NC and the JTS on the submitted candidacy, informs the requesting institution, the NC and the JTS about his/her decision by e-mail at least five (5) working days before the planned MC meeting (taking into account and excluding holidays in both countries).
4. In justified circumstances those time limits may be shortened.
5. Each observer *ad hoc* appointed by the MC Chairperson ahead of the meeting as well as each national expert appointed *ad hoc* ahead of the meeting shall sign the Declaration of Impartiality and Confidentiality (Annex No 1) at the beginning of each MC meeting and shall abide by the Rules of Procedure of the MC.

Article 5

Chairmanship

1. In accordance with the Article 64 of the General Regulation the MC is chaired by the representative of the Managing Authority.
2. The MC is co-chaired by the representative of the National Coordinator.
3. The MC Chairperson:
 - on the basis of agreements between the National Delegations, he/she shall convene an MC meeting and shall set its date,
 - shall approve the agenda of the MC meetings,
 - shall chair the MC meetings, i.e. open and close meetings, lead the discussion, give the floor, announce decisions, decide about the order of issues that are to be discussed during the meeting and, in general, control the proceedings of the meeting according to the Rules of Procedure of the Monitoring Committee,
 - together with the co-Chairperson shall be responsible for the overall functioning of the MC.

Article 6

Voting procedures

1. The MC decisions are taken in form of resolutions.
2. Each National Delegation has one vote.
3. The required quorum to conduct the MC meeting is quantified as minimum 50% of each National Delegation, as described in Article 3 point 1.
4. The decisions of the MC shall be made on the basis of consensus, i.e. unanimous standpoints of both National Delegations. Shall it happen that the standpoints of the

National Delegations are not unanimous, the overall standpoint concerning the discussed issue is negative.

5. The National Delegations shall aim to take their standpoints on the basis of consensus. If it is not possible, voting shall be conducted. In case of voting, the National Delegation takes decision by simple majority of votes, with at least half of the members with voting rights taking part in the voting.
6. The MC decisions shall be impartial. The MC members are excluded from voting related to the projects they are involved in (personally, organisationally or in any other way), or/and when the conflict of interest arises.
7. In case of projects the MC members are involved in or/and when the conflict of interests arises the MC members shall point out those projects in the Declaration of Impartiality and Confidentiality they sign (Annex No 1).

Article 7

Written Procedure (*per rollam*)

The written procedure (*per rollam*) of the MC:

1. In justified cases the MC Chairperson may, on his/her own initiative or on the basis of a request submitted by any MC member, decide to start a written procedure. The written procedure is conducted by e-mail, either by the representative of the Chairperson or on her/his behalf by the JTS.
2. In case a request for the written procedure with a written justification is submitted by a MC member, the decision related to this request is made by the MC Chairperson. Requests for the written procedure are accepted only when the indispensable need for the MC to consider a given issue outside a regular meeting is justified.
3. All documents submitted within the written procedure shall be sent by the JTS to the MC voting members, deputy members and observers (listed in Article 3 point 1 and 3).
4. The MC members with voting rights/deputy members/observers/deputy observers shall receive from the JTS a draft resolution and documents, which will serve as the basis for taking decisions. In case of voting on approving operations to be supported from the European Regional Development Fund or accepting changes in already approved projects the documents shall include impartial opinion of the JTS on the matter. The documents shall be sent by e-mail. Voting is conducted in the same way as during the MC meetings. The standpoints of each MC member must be sent to the Chairperson of the respective National Delegation within ten (10) working days from the date of receiving the documents (taking into account and excluding holidays in both countries). Chairpersons of National Delegations have one (1) day to send the final National Delegation standpoint to the JTS.
5. The National Delegations shall aim to take their standpoints on the basis of consensus. If it is not possible, voting shall be conducted. In case of voting, the National Delegation takes decision by simple majority of votes, with at least half of the members with voting rights taking part in the voting.
6. If taking a decision within the National Delegation is not possible, the Chairperson of the Delegation aims to achieve a consensus enabling taking a decision.

7. If a MC Member does not send a vote, it shall be considered as abstention.
8. A vote sent after the set deadline shall be considered invalid.
9. The MC Chairperson shall sign the resolution adopted by the MC in the written procedure within ten (10) working days (taking into account and excluding holidays in both countries). The resolution is then sent by the JTS to all MC members, deputy members, observers and deputy observers.
10. The resolution adopted by the MC in the written procedure shall come into force when signed by the MC Chairperson (signature date).
11. In case a decision cannot be unanimously made on the basis of the votes obtained by the written procedure the MC Chairperson shall take a decision to launch another written procedure on the matter. In the meantime consultations necessary for the issue to be clarified shall be conducted. In case a decision cannot be unanimously made on the basis of the votes obtained in the second written procedure, the decision shall be considered as negative.
12. The above mentioned deadlines may be shortened in justified cases following the joint agreement of both the MA and the NC.

Article 8

Organisation of the Monitoring Committee meetings

1. The MC meetings, with the exception of justified cases, shall be held on the eligible area of the Programme.
2. The MC meetings shall be organised, as a general rule, in accordance with the needs of the Programme, at least once a year.
3. The JTS on behalf of the MC Chairperson sends a written invitation to the MC meeting by post and/or by e-mail to all the MC members having voting rights, all appointed deputies (of the members having the voting rights), observers, their deputies and the representative of the EC at least twenty (20) working days ahead of the scheduled meeting (taking into account and excluding holidays in both countries). The written invitation shall include the date and place of the planned meeting, as well as a draft agenda. The agenda shall encompass all issues the inclusion of which was requested in writing by any of the MC members or the EC representative.
4. The voting members and the EC representative may request to introduce any amendment to the MC agenda. Requests concerning the amendment of the agenda must be passed over to the MC Chairperson at least fifteen (15) working days ahead of the scheduled meeting (taking into account and excluding holidays in both countries). If no objections or motions are raised as to the requested amendments, the MC Chairperson, through the JTS, shall amend the agenda. The JTS informs all the members, deputy members, observers and deputy observers about any amendments to the agenda at least ten (10) working days before the planned MC meeting (taking into account and excluding holidays in both countries). During the MC meeting the MC Chairperson may propose new issues to be added to the agenda only if there is a sufficient justification for such a change.
5. The JTS shall ensure that the key documents concerning the discussion of every issue of the agenda are available to the MC members/deputy members/observers/deputy observers at least ten (10) working days before the MC meeting (taking into account and excluding

holidays in both countries). Documentation of each and every project submitted to the JTS during every single call for proposals shall be available to the MC members/deputy members/observers/deputy observers at the JTS office in Krakow and through the Programme internal web tool.

6. The JTS shall prepare minutes from the MC meeting, that, among other things, shall include the explanations of the decisions taken. The minutes are prepared in official languages of the Programme. Following the meeting, the JTS shall send the minutes to the MC members/deputy members/observers/deputy observers within ten (10) working days by e-mail (taking into account and excluding holidays in both countries). The MC members/deputy members/observers/deputy observers may raise objections and motions to the minutes by e-mail within the next five (5) working days (taking into account and excluding holidays in both countries).
7. The amended version of minutes approved by the MC Chairperson, shall be sent within five (5) working days following the completion of the procedure mentioned in point 7 to the MC members/deputy members/observers/deputy observers (taking into account and excluding holidays in both countries).
8. The MC meetings are not open to the public and their proceedings are confidential.
9. The MC decisions shall be communicated to the applicants and to the general public by the JTS through its website and by post.
10. On the basis of the decision of the MC the JTS shall inform the public through the Programme website about the progress of the implementation of the Programme.

Article 9

Official Language

1. The working and official languages of the MC proceedings are Polish and Slovak, as well as, in justified cases, English. It shall be assured that the appropriate translation is provided during the MC meetings.
2. Similarly, a written procedure shall be conducted in any of the following language combinations: Polish and Slovak, Polish and English, or Slovak and English.

Article 10

Expenses

1. Any expenses related to preparing and organising the MC meeting and activities related to these meetings (e.g. facility rental, written translations, catering) shall be covered from the Programme Technical Assistance budget.
2. All expenses related to the participation in any MC meeting, including travel, accommodation and allowances etc., shall be borne by the institution delegating the MC members, deputy members, observers and deputy observers.

Article 11

Changes to the Rules of Procedure

- 1. The Rules of Procedure of the Monitoring Committee are approved at the first MC meeting.
- 2. Any amendments to these Rules of Procedure must be approved by the MC, and shall otherwise be rendered null and void.

For the **Republic of Poland**

(Representative of the Managing Authority)

Name and surname:

Signature:

Date and place

For the **Slovak Republic**

(Representative of the National Coordinator)

Name and surname:

Signature:

Date and place

Annex No 1.

DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY¹

**of a
Member/Deputy Member/
Observer/Deputy Observer/
Observer ad hoc/
Expert
of the Monitoring Committee²**

Following my appointment as a member/observer/observer ad hoc/deputy member/deputy observer/expert³ of the Cross-border Co-operation Programme Republic of Poland – Slovak Republic 2007-2013 Monitoring Committee, hereby I declare that I shall actively participate in the MC meeting.

Furthermore, I declare that during the whole term of my appointment I shall follow the rules of the Cross-border Co-operation Programme Republic of Poland – Slovak Republic 2007-2013, described in the respective Programme Manual, and the Rules of Procedure of this Monitoring Committee. Carrying out my activities I shall take into consideration in particular the interests and needs of the Programme and the eligibility area.

I declare that if any situations or circumstances arise that could in any way undermine my personal impartiality or independence, I shall immediately cease to participate in the Monitoring Committee activities concerning related issues. I shall also immediately inform the Chairperson of the Monitoring Committee about it.

I also declare to hold in trust and confidence any confidential information and documents disclosed to me in during the MC meetings. I agree that these information and documents shall be used only for purposes directly related to my activities in the MC proceedings.

If for any reason I shall not be able to duly carry out my activities in the Monitoring Committee, I shall submit my resignation to the Managing Authority via the delegating institution.

Hereby, I declare that I have become acquainted with information concerning the Programme available to date. Any breach of these principles shall be the cause of my dismissal/resignation from carrying out activities in the MC.

Furthermore I declare that I shall execute my responsibilities honestly and fairly.

Name and surname	
Signature	
Date	
Shall the conflict of interest arise, please name the project and the name of the partner (LP/ PP)	
Name of the project and its number	
Name of the Partner (Lead Partner, Project Partner)	

¹ To be signed by all participants of the MC.

² Please choose the appropriate role.

³ Please choose the appropriate role.