

RULES OF PROCEDURE OF THE MONITORING COMMITTEE FOR THE IMPLEMENTATION OF “INTERREG VI-A LITHUANIA-POLAND CROSS-BORDER COOPERATION PROGRAMME” FOR THE PERIOD 2021-2027

Approved by the Monitoring Committee on 30 November 2022

LIST OF ABBREVIATIONS

- **EC** – European Commission,
- **MC** – Monitoring Committee,
- **MA** – Managing Authority,
- **NA** – National Authority,
- **AA** – Audit Authority,
- **JS** – Joint Secretariat,
- **RCPs** – Regional Contact Points in Warmińsko-Mazurskie and Podlaskie Regions,
- **Programme** – Interreg VI-A Lithuania-Poland Cross-border Cooperation Programme 2021-2027 (CCI No 2021TC16RFCB030).

Preamble

The EU Member States the Republic of Lithuania and the Republic of Poland on the basis of:

- 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 (hereinafter referred to as "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 (hereinafter referred to as "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 (hereinafter referred to as "Interreg Regulation"),

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- Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds,
- Implementing acts and delegated acts adopted in accordance with the aforementioned Regulations,
- the Programme Document “Interreg VI-A Lithuania–Poland Programme” (CCI No 2021TC16RFCB030),
- the decision of the EC No. C(2022)6938 according to Article 23(4) Regulation (EU) No 2021/1060 approving the programme,

have established the Monitoring Committee of the Programme for the Interreg VI-A Lithuania–Poland Cross-border Cooperation Programme.

Article 1 **Tasks and responsibilities**

1. In accordance with Articles 19, 22 and 30 of Interreg Regulation, and the Programme Document, the MC is tasked with, in particular:
 - a. monitoring the progress of the Programme implementation and achievement of milestones and targets of the Programme,
 - b. examining any issues that affect the performance of the Programme and the measures taken to address these issues,
 - c. monitoring the implementation of communication and visibility actions,
 - d. monitoring the progress in implementing projects, including operations of strategic importance,
 - e. approving the technical assistance budget (hereinafter referred to as the “TA budget”) and the distribution of the TA budget between the Programme institutions,
 - f. monitoring implementation of the TA budget of the Programme,
 - g. approving the methodology and criteria for the selection of projects, including any changes thereto,
 - h. approving the Programme Manual and the application package (guidelines, manuals for applicants, etc.) and any amendments thereto,
 - i. selecting projects in accordance with the Programme’s strategy and objectives,
 - j. deciding on the approval or rejection of the complaints against the selection of projects,
 - k. approving the final performance report of the Programme,
 - l. approving the evaluation plan and any amendments thereto,
 - m. consulting and approving amendments to the Programme,
 - n. establishing eligibility rules of expenditure for the Programme,
 - o. ensuring compliance with horizontal principles (in particular, sustainable development, equal opportunities and non-discrimination, in particular exclusion of funding to projects with beneficiaries that have taken discriminatory measures

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- gender equality, EU Charter of Fundamental Rights) in accordance with Article 9 of the CPR throughout the Programme implementation,
- p. examining the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings; and supervising the results, conclusions and recommendations from the evaluations carried out,
 - q. examining the progress in administrative capacity building for public institutions and beneficiaries, where relevant,
 - r. adopting the Rules of Procedure of the MC and any amendments thereto.
2. In selecting projects, the MC:
- a. performs strategic assessment of the projects,
 - b. selects projects in accordance with the Programme's strategy and objectives for funding,
 - c. ensures that selected projects present the best relationship between the amount of support, the activities undertaken and the achievement of objectives,
 - d. verifies that the beneficiary has the necessary financial resources and mechanisms to cover project and maintenance costs for projects comprising investment in infrastructure or productive investment, so as to ensure their financial sustainability,
 - e. ensures that the selected projects 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. ensures that projects do not include activities which were part of an operation subject to relocation within the meaning of point (27) of Article 2 of CPR or which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65(1) of CPR,
 - g. ensures 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.

Article 2

Appointment and Composition

1. The MC is composed of two national delegations, consisting of members with voting rights and their deputies. To ensure efficiency and equal representation, the MC is composed of representatives from both countries representing national and regional/local levels, socio-economic partners, non-governmental organisations and environment representatives.
2. Each national delegation consists of up to 10 members with voting rights, among them the Head of the national delegation (in case of Lithuania – representative of the Ministry of the Interior, in case of Poland – representative of the Ministry responsible for regional development). Additionally, delegation observers could be appointed upon the need.

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3. Each member with voting rights can have a deputy member. The latter will be able to participate in the MC meeting only in case of absence of the member with voting rights. In exceptional cases, at the request of the deputy members institution, the chairperson of the MC may agree to derogate from this rule and agree for participation of the Deputy Member acting as a Programme expert with no voting rights. Decision will be taken before each MC meeting, if needed.
4. Information about appointed members with voting rights of the national delegations and their deputies is reported by the national institution responsible for the implementation of the Programme in the respective Member State (in case of Lithuania – Ministry of the Interior, in case of Poland – Ministry responsible for regional development). The appointments should be sent to the JS, indicating the name of the person, position and contacts details.
5. The representatives of MA, AA, NA, EC, JS, regions (persons indicated by RCPs and respective regional self-government) authorities of the Programme area participate in the work of the MC in an advisory capacity.
6. At the request of the national institution responsible for the implementation of the Programme in the respective Member State, the chairperson of the MC has the right to invite other participants (advisors and sectoral experts) to the MC meetings on an ad hoc basis. If the chairperson decides so, he/she has to inform the MC members about this decision at the beginning of the MC meeting.
7. In compliance with Article 29(2) of Interreg Regulation, the list of members of the MC and their deputies is published on the Programme website.

Article 3 Chairmanship

1. The MC is chaired by a representative of the national institution responsible for the implementation of the Programme in the respective Member State (in case of Lithuania – Ministry of the Interior, in case of Poland – Ministry responsible for regional development). Chairmanship and co-chairmanship changes annually on a rotating basis.
2. Starting from year 2023, the chairperson is appointed for one calendar year. In year 2022, the MA will hold the chairmanship.

Year	Chairperson	Co-chairperson
2023, 2025, 2027, 2029	Lithuania	Poland
2024, 2026, 2028	Poland	Lithuania

3. The chairperson is responsible for the proper functioning of the MC. In this respect, he/she:
 - a. convenes the MC meetings,

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- b. approves meeting agendas, before they are sent out by the JS together with the invitation and necessary documents to the members with voting rights of the MC and their deputies,
- c. chairs the meetings, e.g., declares the opening and closing of each meeting, leads discussions, accords the right to speak, puts questions to the vote, announces the decisions, rules on points of order, and pursuant to these rules of procedure, has control of the proceedings.
- d. Out of the responsibilities defined under paragraph 3 of this Article, points b. and c. can be delegated to the co-chairperson.

Article 4 Meetings

1. The MC meets at least once per year, upon the invitation of the chairperson. In case of necessity, MC meetings can be convened more frequently at the written request of the Head of delegation.
2. The meetings of the MC are organised in the Programme territory, in Vilnius or Warsaw on a rotating basis.
3. Invitations to the meeting to all members and observers are sent by the chairperson at least 14 (fourteen) calendar days before the meeting together with the necessary documents via the JS. Requests to include additional items to the agenda are sent to the chairperson via the JS at least 7 (seven) calendar days before the meeting. The agenda of the meeting is adopted by the MC at the beginning of each meeting.
4. The minutes of the MC meetings are drafted by the JS during the MC meeting. The minutes are adopted by the members and signed by the chairperson and secretary (-ies) by the end of the meeting. The minutes comprise all decisions made by the MC and are published on the Programme website directly after the MC meeting. In case of on-line format, the minutes will be prepared immediately after the meeting.
5. Costs for organising physical MC meetings will be financed by the TA budget. Detailed information regarding reimbursement of costs will be described in the Description of the use of the TA budget.

Article 5 Decision-making

1. Decisions are made during MC meetings or via MC written procedures.
2. Decisions by the MC are made by consensus among the national delegations of the participating countries. Each delegation has to internally decide how the decision is made.
3. Each delegation has one vote. The MC chairperson and the co-chairperson have no separate voting rights.
4. In the absence of consensus, the chairperson may decide to postpone the matter to the next meeting, to organise a written procedure or to revoke the draft decision.

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5. Concerning the selection of projects, the following rules apply:
 - a. the MC approves or rejects an application,
 - b. the MC in particular ensures that the selected applications correspond to specific objectives and selection criteria of the Programme,
 - c. the MC clearly sets out reasons for approval or rejection of applications as well as terms of funding. The reasons are communicated to the lead applicant by the JS,
 - d. the MC ensures that the terms and conditions of funding are included in the approval decision,
 - e. each member with voting rights of the MC has a right to request documentation in respect of project applications before a decision is taken; the request has to be submitted to the JS in due time before the MC meeting.
6. When a decision-making process (except for the selection of projects) in writing is initiated via written procedure, the JS, on behalf of the MC chairperson, sends the draft decision to all members by e-mail. National delegations of the participating countries have no less than 7 (seven) and no more than 21 (twenty-one) calendar days from sending of the proposal to respond in writing. If no written objection to the procedure or to the draft decision has been received by the specified time, the approval is deemed to be given by the respective national delegation. In any case, after the time limit set in procedure has expired, the JS informs all members whether the decision is deemed to be taken or what objections have been raised. If no decision can be obtained in the written procedure, the matter is placed on the agenda of the next meeting of the MC.
7. If the MA/JS has doubts about the decision's conformity with legal acts or with the Programme rules, the decision shall be taken with reservation until clarification has been brought. The MA/JS may seek support of the national authorities and the EC in clarifying the matter. If the decision was not in accordance with legal acts or the Programme rules, the decision becomes null and void. Otherwise, the MC decision shall be deemed as valid and the chairperson/MA shall inform the members.

Article 6

Code of conduct and working principles

Members of the MC are bound to observe the following rules of conduct, that is:

1. to participate in all meetings as well as in written procedure, when necessary,
2. to act in the interest of the efficient implementation of the Programme, in accordance with the scope and objectives of the Programme,
3. to take decisions in the public interest in compliance with the rule of transparency and impartiality,
4. to declare to the chairperson, via JS, any situation of conflict of interest with regard to the discussions on a specific subject matter:
 - a. before the MC meeting, i.e., before requesting from the JS the materials concerning the selection of the applications – by signing and submitting a declaration of

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confidentiality and impartiality (Annex 1), proving no conflict of interest. In case of conflict of interest, the relevant materials are not sent to that MC member;

or

- b. at the beginning of the meeting, in other relevant cases (e.g., decisions concerning the implementation of a particular project, etc.) – by signing a declaration of confidentiality and impartiality (Annex 1).

In these cases, the MC member is excluded from discussion and decision on the subject matter and leaves the room until a decision has been taken on the matter.

5. The members of the MC are bound to confidentiality and impartiality during their work. Members are not entitled to use knowledge gained through the project assessment and to disclose any details about projects' documentation in their private interest or any other interest other than the work in the MC.
6. If a MC member violates the impartiality principles, the MC chairperson sends a request to the Head of the delegation to nominate another person as the MC member within 20 calendar days.
7. Provisions of this paragraph apply equally to members with voting rights and their deputies, as well as to any other participants involved in the work of the MC and are applicable after the end of their mandate.

Article 7 **Task forces**

1. The MC can decide to set up task forces or other arrangements in order to support the implementation of the Programme. Their composition is decided according to expertise and thematic needs.
2. If necessary, the MC will define specific rules for the operation of task force(s).

Article 8 **Joint Secretariat**

1. In accordance with Article 46 of Interreg Regulation, the MC is supported by the JS in carrying its respective functions.
2. The MC can be contacted through the JS.
3. In supporting the MC, the JS is responsible in particular for:
 - a. drafting agendas, supporting documents and minutes of MC meetings,
 - b. coordinating approval of the agendas and the minutes with the MC chairperson,
 - c. coordinating written procedures with the MC chairperson,
 - d. general administration (preparing documents, keeping an updated list of members, organising the logistics, etc.),
 - e. organising physical MC meetings in cooperation with the hosting country,

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- f. organising and hosting online meetings of MC, if needed.

Article 9
Working language

The official working language of the MC is English. This rule applies to its meetings, task force meetings and official documents.

Article 10
Concluding provisions

The rules of procedure enter into force at the first meeting of the MC. They remain valid until acceptance of the Programme closure documents by the EC or until a new edition of the rules of procedure is approved by the MC.

Annex 1 – Declaration of confidentiality and impartiality.