



Monitoring Committee of the cooperation programme “Interreg Baltic Sea Region” for the programme period 2021-2027

Rules of procedure

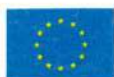
Preamble

The EU Member States Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden, the third country Norway (all together referred to as “participating countries”, each single one as “participating country”) 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
- 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
- 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
- Implementing acts and delegated acts adopted in accordance with the aforementioned Regulations,
- the Programme document “Interreg Baltic Sea Region” (CCI No 2021TC16FFTN003) – hereinafter referred to as “Programme”,
- the decision of the European Commission according to Article 23(4) Regulation (EU) No 2021/1060 approving the programme (Decision No CCI 2021TC16FFTN003 of 02.06.2022)

have set up the Monitoring Committee of the Interreg Baltic Sea Region (hereinafter referred to as “MC”).

These rules of procedure have been adopted by the MC in agreement with the Managing Authority/Joint Secretariat (hereinafter referred to as “MA/JS”) of the programme, in compliance with Article 38(2) of Regulation (EU) No 2021/1060.





Article 1

Tasks

In accordance with Article 40 of Regulation (EU) 2021/1060, the functions of the MC shall include the tasks that are listed below.

1. The MC shall examine:
 - a) the progress in programme implementation and in achieving the milestones and targets;
 - b) any issues that affect the performance of the programme, including specific project implementation cases and the measures taken to address those issues;
 - c) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings; it may make recommendations to the MA/JS including on measures to reduce the administrative burden on beneficiaries.
 - d) the implementation of communication and visibility actions;
 - e) the progress in implementing operations of strategic importance;
 - f) actions to promote equality between men and women, equal opportunities, and non-discrimination, including accessibility for persons with disabilities.
 - g) actions to promote sustainable development.

2. Furthermore the MC shall:
 - a) approve the methodology and criteria used for the selection of operations, including any changes thereto;
 - b) adopt the Programme Manual. Approval must be obtained before any substantial adjustment of the Programme Manual is made; minor and technical changes can be done by MA/JS upon agreement with the MC chairperson.
 - c) approve the content of the Programme Manual and the announcement note of each call. The MC shall be informed about amendments made to this application package by the MA/JS henceforth and may comment on it.
 - d) approve the final performance report of the programme;
 - e) approve the evaluation plan and any amendment thereto;
 - f) approve the amendments of the Programme;
 - g) based on Article 22 of Regulation (EU) No 2021/1059, select operations (hereinafter referred to as "projects") in accordance with the programme's strategy and objectives (cf. Article 5 of these rules of procedure);
 - h) approve the technical assistance budget;
 - i) in accordance with Article 37 of Regulation (EU) No 2021/1059, establish additional eligibility rules for the programme as a whole;
 - j) adopt the complaint procedure that shall be set-up for the programme by the participating countries according to Article 69(7) of Regulation (EU) No 2021/1060.



3. Further tasks of the MC might derive from the Programme and the “Management of Programme accounts and Technical Assistance of Interreg Baltic Sea Region 2021-2027” as well as from the Programme Manual.

Article 2

Composition

1. The MC shall have a limited number of members. The MC shall be composed of maximum three representatives of each participating country. MC members are individuals representing authorities and organisations as decided by each participating country. The members shall represent at least the national authority responsible for the programme and the regional level of the respective participating country. Equal representation of men and women in the MC shall be promoted.
2. Each appointed representative of the MC is entitled to have a regular deputy. In addition members or deputies can be replaced by an ad hoc deputy in case a member and its regular deputy are prevented from attending a meeting (cf. Article 4 of these rules of procedure).
3. Any appointment and any recall of a member of the MC shall be reported to the MA/JS without delay; the same applies with regard to the nomination and recall of regular deputies. Each participating country shall provide the MA/JS with the names and contact details of the representative(s) (and their deputy, if applicable). If a MC member wants to be replaced by an ad hoc deputy that is not formally nominated, the MC member shall inform the MA/JS in writing, via e-mail, before the meeting. The MA/JS shall then request the chairperson’s approval and only then the ad hoc deputy can participate in the meeting.
4. In compliance with Article 39(2) of Regulation (EU) No 2021/1060 the list of members of the MC and their deputies shall be published by the MA/JS at the programme website.
5. Members of the MC and their deputies constitute national delegations of their country of origin and thus are entitled to vote (cf. Article 5 of these rules of procedure).
6. Representatives of the MA/JS and the European Commission, and where appropriate, representatives of the Audit Authority shall participate in the work of the MC in an advisory capacity.
7. The representatives mentioned in No 6 of this Article and third persons (cf. Article 4 No 4) have no right to vote in the MC.

Article 3

Chairmanship and co-chairmanship

1. According the Article 39(1) of Regulation (EU) No 2021/1060 the MC shall be chaired by a representative of the Member State or of the MA. The programme opts for the chairmanship by a participating EU Member State. Co-chairmanship may also be taken by representatives of the third country Norway. Applying a rotation principle, chairmanship and co-chairmanship shall change annually.



2. On this basis, the following order of chairmanship and co-chairmanship shall be determined:

	<u>Chairmanship</u>	<u>Co-chairmanship</u>
2022	Poland	Sweden
2023	Sweden	Denmark
2024	Denmark	Finland
2025	Finland	Estonia
2026	Estonia	Germany
2027	Germany	Latvia
2028	Latvia	Lithuania
2029	Lithuania	Norway

3. The chairperson is responsible for the proper functioning of the MC. In this respect, he/she shall
- convene the MC meetings in accordance with Article 4 of these rules of procedure;
 - endorse meeting agendas, before they are sent out by the MA/JS together with the invitation and necessary documents to the members of the MC and their regular deputies at least three weeks in advance of an MC meeting;
 - chair the meetings, e.g. declare the opening and closing of each meeting, lead discussions, 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.
4. Out of the responsibilities defined under No 3 of this Article, points b and c can be delegated to the co-chairperson.

Article 4

Meetings

- The MC chairperson shall convene meetings of the MC at least once a year. In addition, he/she shall convene further meetings following a duly justified request of the MA, the European Commission or at least three national delegations of the participating countries.
- MC meetings shall be organised as physical or online meetings. The physical meetings of the MC shall, unless otherwise decided by the MC, be hosted in the state chairing the MC. In principle, at least one meeting per year shall be organised as a physical meeting.
- Meeting agendas, together with the invitation and necessary documents, shall be sent out by the MA/JS to the members of the MC and their regular deputies at least three weeks in advance of an MC meeting.
- Participation in MC meetings is open only to MC members and their deputies. The chairperson of the MC (cf. Article 3 of these rules of procedure) shall be entitled to invite third persons to meetings of the MC as guests or observers. One representative of a National Contact Point (NCP) per country may get a permanent permission from the chairperson to participate in MC meetings as an observer, given that the meeting's topics are relevant to the NCP operation. If a MC delegation intends to involve an



external person, other than the NCP representative, as an observer in a meeting, it should inform the MA/JS prior to the meeting. The MA/JS shall then request the chairperson's approval and only then the observer can participate in the meeting. The chairperson shall inform the members of the MC accordingly while opening the meeting.

5. All members of the MC, their deputies as well as all persons mentioned in Article 2 No 6 of these rules of procedure shall have the right to speak at the meetings of the MC. Guests and observers, as described in No 4 of this Article, may receive a specific invitation by the chairperson to speak at a meeting of the MC (e.g. a project presentation).
6. The MA/JS shall prepare the minutes after each meeting of the MC.
7. On behalf of the MC chairperson, the MA/JS shall send the draft minutes to the MC for comments within three weeks following the meeting. If no objections are raised within two weeks of receipt of the minutes, they are considered as approved. If objections are raised, the MA/JS shall revise the minutes accordingly, agree on a final version in consultation with the chairperson and send it again to the MC.
8. A final version of the minutes, shall be signed by the MC chairperson and the responsible representative of the MA/JS.
9. All preparatory and final documents including the final minutes shall be made available for the MC at the programme website.
10. Broader involvement of partners in accordance with Article 8 of Regulation (EU) No 2021/1060 will be ensured through national (sub-)committees as described in the Programme, section 4. Provision of MC documents to (sub-)committee members is allowed in compliance with Article 6 No 3 of these rules of procedure.
11. Information on MC meetings and decision-making by the MC will be provided to the general public at the programme website.

Article 5

Decision-making

1. Decisions shall be either made during MC meetings or via MC written procedures. The following points 2 and 4-6 apply to both types of decision making.
2. Decisions by the MC shall be made by consensus among the national delegations of the participating countries with voting rights (cf. Article 2 No 5). There is one vote per delegation.

The MC chairperson and the co-chairperson do at all times vote as part of their respective national delegations, i.e. they have no separate voting rights.
3. At any meeting of the MC no less than two-thirds of the national delegations of the participating countries with voting rights (cf. Article 2 No 5) shall constitute a quorum.
4. Votes, as defined in No 2 of this Article, cannot be delegated to a national delegation of another participating country or to an observer.



5. In case of opposition by one or more delegations, the MC chairperson decides with a clear justification whether the motion is postponed or defeated.
6. Concerning the selection of operations the following rules shall apply:
 - The MC shall either approve or reject an application or approve it with requirements for approval.
 - The MC shall in particular make sure that the applications selected correspond to objectives and published criteria of the programme.
 - The MC shall clearly set out reasons for approval or rejection of applications as well as terms of funding. They shall be communicated to the lead applicant by the MA/JS.

In case of approval under conditions the following rules shall apply:

- Requirements for approval are set to exclude activities that are outside of the programme scope. Requirements for approval may also refer to excluding a project partner or reduction of the project budget.
 - As a general rule, the MC shall approve project applications under conditions only if the conditions have been set out in writing beforehand as part of the assessment report, or if they can be clearly defined as a result of a meeting of the MC.
 - Conditions shall be clearly defined and be recorded. They shall be communicated to the lead applicant by the MA/JS.
 - On the basis of the MA/JS examination, the chairperson of the MC shall finally approve the fulfilment or non-fulfilment of conditions with consequences on the selection of an application. In cases where the conditions are not fulfilled, the MA/JS shall initiate a MC decision making process after consulting the chairperson.
7. When a decision-making process in writing shall be initiated, the MA/JS, on behalf of the MC chairperson, shall send the draft decision to all members by e-mail message. National delegations of the participating countries shall have three weeks from dispatch of the proposal to respond in writing. For justified reasons, a shorter timeline can be set to the process. National delegations can withdraw their objection at any time. 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 ("tacit consent"). In any case, after the three weeks limit has expired, the MA/JS shall immediately inform 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 shall be placed on the agenda of the next meeting of the MC.
 8. In case the MA/JS 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/JS, by communicating with the European Commission, will have clarified the matter. In case no compliance should be asserted or no clarification could be obtained, the respective decision will not come into operation. The MA/JS will report the result of its communication with the European Commission to the members of the MC. A new decision by the MC shall take the report into consideration.



Article 6

Code of conduct and working principles

1. With regard to the tasks of the MC it shall be ensured that any assessment and/or decision of the MC is free from bias and not influenced by partial interest of any of the individual members of the MC or their deputies or ad hoc deputies. According to this principle, they have to sign the declaration of impartiality and confidentiality, which will be an integral part of the signature list of the MC meetings. The MC chairperson shall ensure that all members of the MC or their deputies and ad hoc deputies respectively have signed this declaration before any selection of operations. For online meetings, this declaration shall be included in the registration form, where the participants shall indicate whether they have a conflict of interest and in which specific agenda point(s). If any of them has partial interest towards a project, he/she shall be excluded from discussion and decision on the subject matter and leave the room until a decision has been taken on the matter. If the MC meeting is hosted online, the respective participant(s) shall be sent to the lobby of the virtual room or in a breakout room, till the process is completed. With regard to decision-making in writing any MC member or its deputy shall inform the MC chairperson about this partial interest and has to refrain from the written procedure accordingly.
2. The work of the MC is confidential in nature and its voting members, their deputies or ad hoc deputies, as well as the observers, representatives and third parties mentioned in Article 2 No 6 and Article 4 No 4 of these rules of procedure, are bound to confidentiality.
3. When supporting documents for the MC like applications for funding and the respective assessments or minutes of MC meetings are forwarded to national (sub-)committees, the acting person (sender) shall point out to the addressee that all documents and information shall be kept confidential, especially in case of decision-making.
4. In case these provisions are not respected by a member, its deputy or ad hoc deputy, the individual might be revoked by the MC chairperson, and shall be replaced by the authority or organisation concerned, after clarification has been provided to the matter.

Article 7

Task forces

1. The MC can decide to set up task forces in order to support the implementation of the programme. Only MC members are entitled to be appointed as members of a task force.
2. If necessary, the MC will define specific rules for the operation of task force(s).

Article 8

Secretariat and organisation

1. In accordance with Article 46(2) of Regulation (EU) No 2021/1059, the MC shall be supported by the MA/JS. Thus, the MC can be contacted as follows:

Monitoring Committee of Interreg Baltic Sea Region



c/o IB.SH
Grubenstraße 20
D-18055 Rostock

Phone: + 49 381 45484 5281

E-mail: programme.management@interreg-baltic.eu

2. Related to the MC the MA/JS is responsible in particular for:
 - a) drafting agenda, supporting documents and minutes;
 - b) coordinating approval of the agenda and the minutes with the MC chairperson;
 - c) coordinating written procedures in coordination with the MC chairperson;
 - d) general administration (preparing documents, keeping updated list of members, organising the logistics, etc.);
 - e) follow up (including filing documents);
 - f) in cooperation with the hosting country, organising physical MC meetings (cf. No 3 of this Article)
 - g) organising and hosting online meetings of MC. For this purpose, the MA/JS is responsible for providing a modern, fully-fledged conference and collaboration software to host online meetings which is accessible by all participants and e.g. allows users to present, chat, use whiteboards, exchange files, vote and participate in polls.
3. Costs for organising physical MC meetings, in particular related to the venue and catering, will be financed by the TA budget. Travel and accommodation costs of national delegations and observers will be covered by the national TA of each country.

Article 9

Working language

The official working language of the MC shall be English. This rule shall apply for its meetings, task force meetings and official documents.

Article 10

Concluding provisions

1. At the meeting of the MC in Warsaw on 14.06.2022, these rules of procedure have been adopted by the members of the MC unanimously.
2. These rules of procedure shall remain valid until acceptance of the programme's closure documents by the European Commission.
3. These rules of procedure may be amended by decision of the MC according to Article 5 and in agreement with the MA/JS of the programme.



Warsaw, 14 June 2020

Place and date

TERESA MARCINOW

Name of the signatory

T. Marciniak

Signature of the chairperson of the Monitoring Committee