



**ENI CROSS-BORDER COOPERATION PROGRAMME
POLAND-BELARUS-UKRAINE 2014-2020**

**Rules of Procedure of the Project Selection Committee
for the ENI Cross-border Cooperation Programme
Poland-Belarus-Ukraine 2014-2020**

adopted by the Joint Monitoring Committee on 21 February 2017

**LIST OF ABBREVIATIONS**

EC	European Commission
JMC	Joint Monitoring Committee
JTS	Joint Technical Secretariat, appointed as Intermediate Body
MA	Managing Authority
Programme	ENI Cross-border Cooperation Programme Poland-Belarus-Ukraine 2014-2020
PSC	Project Selection Committee
RoP	Rules of Procedures
TA	Technical Assistance

ANNEXES

Annex 1	Evaluation and Assessment Manual
Annex 2	Declaration of impartiality and confidentiality
Annex 3	Rules on selection criteria, scope of work and fees of external assessors within the ENI Cross-Border Cooperation Programme Poland – Belarus – Ukraine 2014-2020



§ 1

Legal Basis

1. Regulation (EC) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument;
2. Commission Implementing Regulation (EU) No 897/2014 of 18 August 2014 laying down specific provisions for the implementation of cross-border cooperation programmes financed under Regulation (EU) No 232/2014 of the European Parliament and the Council establishing a European Neighbourhood Instrument.
3. Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.
4. Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002.
5. Cross-border Cooperation Programme Poland-Belarus-Ukraine 2014-2020 (hereinafter – Programme) approved by the European Commission (EC) Decision No C(2015) 9138) dated 17 December 2015.
6. Procurement and Grants for European Union external actions - a Practical Guide (PRAG) in terms of definitions applicable to the Programme.
7. Evaluation and Assessment Manual.
8. Programme Manual Part I – Applicant (published for each Call for Proposals).

§ 2

General Information

1. The Project Selection Committee (PSC) is responsible for the evaluation and selection process of projects' proposals (Concept Notes and Full Application Forms) submitted in the call for proposals (CfP). The number of PSCs in the Programme will depend on the number of proposals received under a CfP. Present Rules of Procedures (RoP) apply to all the PSCs.
2. The selection process may differ for regular projects and projects with small budget. The details on each of them shall be specified in the Evaluation and Assessment Manual (Annex 1) and the Programme Manual Part I - Applicant published for each CfP.

§ 3

Nomination and composition of the PSC

1. The proposal of the PSC composition will be submitted by the Managing Authority (MA) to the Joint Monitoring Committee (JMC) which will officially appoint the nominated persons.
2. The PSC shall consist of:
 - a. three voting members;
 - b. a non-voting Chairperson;
 - c. a non-voting Secretary.
3. Each National Authority (from Poland, Belarus and Ukraine) will delegate one voting member for each respective PSC.
4. JMC member can be also appointed as a member of the PSC.
5. All voting members of the PSC have equal voting rights.



6. The representative of MA shall be the Chairperson.
7. The representative of JTS shall be the Secretary.
8. Additionally, each country may nominate three non-voting observers for each PSC to take part in the PSC meetings. The observers shall possess the technical capacities needed to support the voting members of the PSC in their discussions.
9. If necessary, other non-voting observers and assessors may participate in the PSC meetings with the prior approval of the Chairperson.
10. Representatives of EC and TESIM shall be invited to each meeting of the PSC at the same time as the participants and shall be informed of the results of its deliberations. They may take part in all or part of PSC meetings on its own initiative.

§ 4

Responsibilities of the PSC members

1. The Chairperson is responsible for the overall co-ordination of the evaluation process in accordance with the Programme legal basis and for ensuring its impartiality and transparency.
2. The Secretary is responsible for carrying out the evaluation process in accordance with the Programme legal basis and for all administrative tasks connected with this process as described in §11.
3. The voting members of the PSC are responsible for evaluation and selection process in line with the accepted evaluation criteria set up in the documents specified in §2, p. 2.
4. The PSC members shall attend all meetings.
5. A member who withdraws from the PSC for whatever reason must be replaced by an ad hoc deputy or following the standard procedure for appointing members of the PSC.

§ 5

Specific requirements for the PSC members

1. The voting members must possess technical and administrative capacities necessary to take responsibility over the evaluation of the submitted project proposals.
2. Each PSC member shall fulfil the following requirements:
 - a) university degree;
 - b) fluent knowledge of at least one of following languages: Polish, Ukrainian, Russian;
 - c) very good command of English;
 - d) at least 3 years of experience in the field of administration and/or implementation of the programmes/projects financed by the EU (preferable: ENPI, INTERREG, Phare CBC, Tacis CBC) – including the evaluation of the projects proposals;
 - e) experience in the field of cross-border cooperation;
 - f) knowledge of regional development issues.



§ 6

Impartiality and confidentiality

1. Members and observers of the PSC as well as the assessors:
 - a) must sign the declaration of impartiality and confidentiality which is attached as Annex 2 to the RoP of PSC before participating in the evaluation process;
 - b) must not be in any way linked to lead beneficiaries (applicants) or beneficiaries (potential partners in the projects);
 - c) must not participate in the preparation of the project proposals submitted within the Programme.
2. Any PSC member, observer or assessor who has a potential conflict of interest with any applicant or partner must declare it immediately and withdraw from the evaluation process. The Chairperson determines to what extent the evaluation process must be restarted.
3. The PSC meetings are not open to the public. Participation in the PSC meetings is strictly limited to the members of the PSC and, in justified cases, to the observers or assessors involved in the proposals evaluation (upon invitation of the Chairperson).
4. The identity of all participants taking part in the PSC meetings shall be kept confidential within the Programme bodies. Documents disclosed to the PSC participants shall be used only for the purposes directly related to the works of the PSC.
5. The results of the assessment (e.g. the list of Concept Notes approved or the list of projects approved for financing) shall be confidential until respectively: the signing of the *Concept Notes evaluation report* or the final decision on co-financing taken by JMC.

§ 7

Evaluation and assessors

1. Evaluation is carried out in accordance with the documents specified in §2, p. 2.
2. The Secretary decides on the evaluation conditions, place, use of the Programme database and other technical issues related to the evaluation and assessors work.
3. Each proposal must be assessed by at least two assessors (for Concept Notes: two JTS assessors, for Full Application Forms one JTS and one external assessor).
4. Involvement of external assessors (rules on selection criteria, scope of work, fees) is described in Annex 3 to this RoP.
5. The Secretary nominates assessors for particular projects assessment.
6. The assessors work under the supervision of the Secretary.
7. The total score is the common agreed decision of the assessors (in case of two JTS assessors) or arithmetical average of scores (in case of assessment carried out by one JTS employee and one external assessor).
8. The assessors are obliged to provide the justification of the scoring for each section of the evaluation grid.
9. The evaluation grids shall be completed in English, their paper versions bearing the signature of the assessor(s) shall be handed over to the Secretary. The Secretary shall be responsible for distribution of these documents to the members of the PSC.



§ 8

Additional evaluation

1. An additional third evaluation of the project shall be carried out whenever:
 - the total scores given by the initial two assessors diverge by more than 15 points and/or
 - only one of the total initial scores is above the threshold for overall admissibility of the proposals.
2. The Secretary confirms the necessity of the third assessment and indicates the assessor that will carry it out.
3. In case of the third assessment, the total score for the proposal is the arithmetical average of scores between the third assessment and that initial assessment which is more similar¹ to the third assessment.

§ 9

Pool of assessors

1. The assessors are chosen from the pool of assessors.
2. The pool of assessors is composed of: internal assessors (JTS employees) and external assessors.
3. The final pool of assessors is sent for the JMC approval.
4. The pool of assessors is valid for the whole Programme's implementation period. If necessary, the list of assessors is updated anytime with the prior acceptance of the JMC.
5. The Secretary reserves the right to remove an assessor from the list in case of insufficient performance, repeated unavailability or problems with impartiality or confidentiality.
6. From the pool of assessors appointed by the JMC, the Secretary will nominate the team of assessors who will assess the project proposals. The number of assessors appointed by the Secretary will depend on the number of projects to be assessed, on the specific character of the proposals and the availability of the assessors.

§ 10

Obligations of the PSC after the assessors work

1. The PSC must not change the assessors' scores or recommendations and must not alter the evaluation grids completed by the assessors.
2. In case the PSC finds that an evaluation of a project proposal violates the criteria defined in the documents specified in §2, p. 2, it indicates which criteria in its opinion were violated and PSC voting members are obliged to carry out new evaluation of the concerned proposal by completing one collective evaluation grid. They are obliged to provide a justification of the scores awarded in each section of the evaluation grid. Such evaluation grid must be signed by all PSC voting members. The draft ranking list shall be amended on the basis of the scores from this new evaluation, which replaces evaluation completed by assessors. All such PSC decisions must be recorded and explained in the evaluation report. The evaluation grids completed by the members of the PSC must be kept with those completed by the assessors.

¹ In case of situation in which following the initial assessment, only one of the total initial scores is above the threshold for overall admissibility of the proposals, "more similar" are the assessments with the same final result – admission or rejection of the proposal.



3. PSC may also take decisions through written procedure at the initiative of the Chairperson. The written procedure shall take 7 calendar days. This period may be shortened by the Chairperson in cases of emergency and/or the need to take a decision urgently. If no written objection to the procedure or to the draft decision has been received within the set deadline the decision is deemed to be taken by the PSC. In case of disagreement any member may request that the decision will be discussed at a meeting. In any case, after the deadline has expired, the Secretary shall inform all members on whether the decision is deemed taken or what objections have been raised.
4. The final evaluation report will be signed by all PSC members. The report signed by PSC constitutes final decision on the evaluation in case of Concept Notes and is subject to the JMC approval in case of Full Application Forms.
5. Not later than 5 calendar days from the signature of the final evaluation report by the PSC, it shall be presented to the JMC during a meeting or sent for the JMC final approval.

§ 11

Secretariat of the PSC

The Secretary is responsible for ensuring the secretariat for the PSC meetings and assessors work. These tasks will include:

- a) ensuring the technical conditions for the assessment (when appropriate: venue, documents, access to the electronic database, etc.);
- b) informing without delay all participants of the evaluation process about the relevant arrangements concerning the evaluation meetings (date, venue etc.);
- c) organizing the meetings of the PSC (ensure the venue, equipment, logistics issues etc.);
- d) sending the invitation, agenda of the meeting and other necessary documents to the PSC members at least 10 calendar days before the meeting;
- e) preparing all necessary documents for participants of the evaluation process;
- f) preparing the draft evaluation reports after each evaluation step as described in documents specified in § 2, p. 2.
- g) following the decision of the Chairperson, providing the PSC members with the draft evaluation reports along with the evaluation grids at least 7 calendar days before the PSC meeting;
- h) circulating and collecting the Declarations of Impartiality and Confidentiality (Annex 2);
- i) registering attendance at meetings and compiling the respective evaluation reports and their supporting annexes etc.;
- j) keeping all relevant records and documents.

§ 12

Other issues

1. For the evaluation process purposes (upon decision of the Secretary) the subsistence and travel costs incurred by the assessors, PSC members and observers mentioned in § 3 p. 9 will be covered from the Programme technical assistance (TA) budget.
2. PSC members being civil servants, nominated by central/local authorities will not receive any additional fees for the evaluation/assessment of the proposals.
3. The other relevant fees for the evaluation of proposals will be paid out from the Programme TA budget according to the rate approved by the JMC.
4. The Programme legal basis (as it is set in §1) shall regulate cases which are not set in this Procedures.



§ 13
Revision

The RoP of the PSC can be amended by the decision of the JMC.

§ 14
Entering into force

These RoP will enter into force on the day of the approval by the JMC.



**ANNEX 2. DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY²
FOR THE PROJECT SELECTION COMMITTEE/ASSESSORS
WITHIN THE ENI CROSS-BORDER COOPERATION PROGRAMME
POLAND - BELARUS - UKRAINE 2014-2020**

PUBLICATION REF: _____

I, the signatory _____
(First name, Last name)

acting as: Project Selection Committee member / Assessor / Observer (chose relevant)

I am aware of the provisions stipulated in the Rules of Procedure of the Project Selection Committee approved by the Joint Monitoring Committee, whereupon any assessment and/or decision concerning the evaluation of projects and recommended grant amounts shall be free from bias and not be influenced by partial interest of any third parties.

I hereby declare that I agree to participate in the evaluation /assessment of the above mention Call for proposals. By making this declaration, I confirm that I have familiarised myself with the information available to date concerning this call for proposals including the provisions of the Joint Operational Programme, the *Programme Manual Part I – Applicant* published for this Call for proposal and other documents constituting the Programme legal basis of the evaluation process.

I declare that I shall execute my responsibilities impartially and objectively.

Should one of the following circumstances come into being during the procedure of project assessment/evaluation, I will declare this immediately to the Chairperson of the Project Selection Committee and cease to participate in the assessment/evaluation process:

- I am linked (e.g. as an employee, a member of the supervisory board, a founder) to an applicant/partner who have submitted a proposal within abovementioned call for proposals launched under the Programme;
- I have personal or professional or institutional involvement in one or more projects to be assessed/evaluated;
- I am not independent of all parties which stand to gain from the outcome of the assessment/evaluation process³; to the best of my knowledge and belief, there are facts or circumstances, past or present, or that could arise in the foreseeable future, which might call into question my independence in the eyes of one or more parties;
- I have been employed by an applicant/partner, within the previous 3 years.

I accept furthermore that, if I have neglected to give the necessary statement as mentioned above, the Chairperson of the Project Selection Committee has the right to demand my resignation from the Project Selection Committee immediately.

² To be completed by all persons involved in an evaluation/assessment process (including members of the Evaluation Committee, whether voting or not-voting and any observers and assessors, whether internal or external)

³ I.e. all applicants who are participating in the call for proposals, whether individuals or members of a consortium, or any of the partners or subcontractors proposed by them



I declare not to offer my services to successful project applicants that I have assessed.

Finally, I agree to hold in trust and confidence any information or documents ("confidential information") disclosed to me or discovered by me or prepared by me in the course of or as a result of the assessment/evaluation and agree that it shall be used only for the purposes of this assessment/evaluation and shall not be disclosed to any third party.

I also agree not to retain copies of any written information or prototypes supplied.

Place and date: _____ Signature: _____

**ANNEX 3. RULES ON SELECTION CRITERIA, SCOPE OF WORK AND FEES OF EXTERNAL ASSESSORS
WITHIN THE ENI CROSS-BORDER COOPERATION PROGRAMME POLAND – BELARUS – UKRAINE 2014-2020**

1. SELECTION RULES AND REQUIREMENTS FOR ASSESSORS

The external assessors shall be selected via the open call for external assessors shall be organized by the JTS.

In order to ensure the widest possible access to information, the National Authorities shall inform eligible regions of the opportunity to take part in the call for external assessors.

The candidate for external assessors may be a person who fulfils all the following criteria:

- a) under penalty of perjury submitted the statement confirming that s-/he:
 - enjoys full civil rights;
 - possess legal capacity;
 - has not been found guilty for an intentional offence or for intentional fiscal offence;
- b) is not involved in the Programme implementation by carrying out tasks of the Programme institutions;
- c) must not be involved in the preparation of proposals to the call for proposals organized within the Programme;
- d) must not be linked to applicants/partners in the projects;
- e) possess:
 - university degree relevant to at least one Thematic Objective of the Programme;
 - fluent knowledge of at least one of the following languages: Polish, Ukrainian, Russian;
 - very good command of English (written and spoken, at least C1 level);
 - at least 3 years experience in the field of administration and/or implementation of international technical assistance programmes/projects (preferably financed by the EU such as ENI, ENPI, INTERREG, Phare CBC, Tacis CBC) – including the evaluation of the projects proposals;
 - experience in the field of the international or cross-border cooperation;
 - experience and knowledge in an area relevant to at least one Thematic Objective of the Programme;
- f) agreed to publish her/his personal data on the List of candidates for assessors/List of assessors and to process these data while creating and modifying both of these Lists;

Provisions mentioned in §6 of the RoP “Impartiality and confidentiality” are also applicable in case of external assessors.

An assessor will be assigned to project proposals concerning one or more Thematic Objectives based on his/her education, experience and knowledge.



2. SCOPE OF WORK

The external assessors will provide assistance in carrying out the quality evaluation of the proposals and respective documents. The tasks of the external assessors include:

- a) evaluation of the proposals and attached documentation on the basis of evaluation criteria which are provided in the documents specified in §2, p. 2 (the assessors are obliged to justify the scores awarded);
- b) providing the additional comments at the request of PSC and JMC;
- c) in exceptional situations, following the request by the Chairperson - attendance in the meetings of the PSC as the observers to present the results of their assessment and answer questions from PSC members.

The external assessor will be obliged to carry out the assessment of the proposal within 2 working days from the date of its obtaining. If more proposal will be assigned to the assessor, the period for the assessment completion will be counted basing on the same assumption - 2 working days per proposal.

3. FEES

Following the project assessment carried out for the Programme, the external assessor shall be entitled to a fee of:

- a) EUR 200 (gross) per each regular project proposal assessed. One expert may receive more than one project for the assessment in one call;
- b) EUR 125 (gross) per each project with small budget proposal assessed. One expert may receive more than one such project for the assessment in one call.

In case the work carried out by the external assessor will be of poor quality, delayed or not in line with the agreement and documents specified in §2, p. 2 the JTS will ask the assessor to amend or complement its assessment. The assessor will have two working days to do so. If he/she will not provide satisfactory amendments/supplements, the JTS will be allowed to cancel the remuneration for the assessment in question.