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NEXT Poland–Ukraine

MONITORING COMMITTEE
FOR THE INTERREG NEXT
POLAND–UKRAINE 2021-2027 PROGRAMME

RULES OF PROCEDURE

Approved by the Monitoring Committee on 02 February 2023

Rules of Procedure of the Monitoring Committee

LIST OF ABBREVIATIONS

Assessors	Joint Secretariat and/or external experts (if applicable) assessing applications submitted in the call for proposals
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
ERDF Regulation	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
EU	European Union
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
Programme	Interreg NEXT Poland–Ukraine 2021-2027 Programme

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Preamble

The EU Member State: Poland and the Partner Country: Ukraine, 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"),
- 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 NEXT Poland–Ukraine 2021-2027 Programme" (CCI 2021TC16NXCB009) (hereinafter referred to as "the Programme"),
- the decision of the EC No. C(2022)8930 according to Article 23(4) Regulation (EU) No 2021/1060 approving the Programme,

have established the Monitoring Committee for the Interreg NEXT Programme Poland–Ukraine 2021-2027 (hereinafter referred to as the Monitoring Committee).

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Article 1

Composition of the Monitoring Committee

1. The Monitoring Committee shall comprise representatives of public institutions, economic and social partners and bodies representing civil society appointed by each participating country: Poland and Ukraine.
2. The Monitoring Committee shall be composed of two national delegations, consisting of voting members, their deputies and observers.
3. Based on the topic of the Monitoring Committee's deliberations, experts may be invited to participate in the meetings (as observers) subject to the approval of the Chairperson of the Monitoring Committee.
4. Each national delegation shall be represented by its head – in case of Poland it shall be the Managing Authority of the Programme, in case of Ukraine – the National Authority of Ukraine (National Authority). The head of each national delegation shall be responsible for the institutional and personal composition of the delegation to the Monitoring Committee. The institutional composition of the Monitoring Committee is presented in Annex 2.
5. Institutions which have appointed the Monitoring Committee voting members shall also be entitled to nominate their deputies. As a rule, the latter shall be able to participate in the Monitoring Committee meeting only in case of absence of a the voting member. However, when a meeting takes place online, both voting members and their deputies may be present.
6. A Monitoring Committee member or its deputy can request the Chairperson (in case of Ukraine – following the approval of the head of national delegation) to allow for participation in the meeting of the Monitoring Committee a supportive representative(s) with the observer status.
7. Any appointment and any recall of a Monitoring Committee member or a deputy shall be reported in writing to the Managing Authority, in case of the Ukrainian delegation – via the National Authority, without delay.
8. Representatives of the Commission shall participate in the work of the Monitoring Committee in a monitoring and an advisory capacity.

Article 2

Functions of the Monitoring Committee

1. In accordance with Articles 19, 22 and 30 of Interreg Regulation, and the Programme Document, the Monitoring Committee shall examine:
 - a. the progress in the Programme implementation and in achieving the milestones and targets of the Programme;
 - b. any issues that affect the performance of the Programme and the measures taken to address these issues;
 - c. the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
 - d. the implementation of communication and visibility actions;
 - e. the progress in implementing projects, including operations of strategic importance and, where applicable, of large infrastructure projects;
 - f. the progress in administrative capacity building for public institutions and beneficiaries, where relevant.

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2. The Monitoring Committee shall approve:
 - a. the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
 - b. the methodology and criteria for the selection of projects, including any changes thereto, after notifying the Commission, where requested;
 - c. the evaluation plan and any amendments thereto;
 - d. the final performance report of the Programme;
 - e. amendments to the Programme;
 - f. eligibility rules of expenditure for the Programme.
3. The Monitoring Committee shall also ensure compliance with horizontal principles (in particular, sustainable development, equal opportunities and non-discrimination, in particular exclusion of funding to projects with beneficiaries representing municipalities that have taken discriminatory measures such as signing the anti-LGBT declarations¹; gender equality, EU Charter of Fundamental Rights) in accordance with Article 9 of the CPR throughout the Programme implementation.
4. The Monitoring Committee may issue recommendations to the Managing Authority regarding the Programme implementation and evaluation. It shall monitor actions undertaken as a result of its recommendations.
5. The rules of procedure of the Monitoring Committee, a list of the members of the Monitoring Committee, as well as a summary of both data and information, including decisions, approved by the Monitoring Committee shall be published by the Joint Secretariat on the Programme website.

Article 3

Chairmanship of the Monitoring Committee

1. The Monitoring Committee shall be chaired by a representative of the Managing Authority.
2. The Chairperson shall be responsible for the proper functioning of the Monitoring Committee.
3. The Chairperson shall:
 - a. convene the Monitoring Committee meeting. The date of the Monitoring Committee meeting shall be set on the basis of the Programme implementation progress and in consultation with the National Authority;
 - b. approve the draft agenda of the Monitoring Committee meeting, before it is sent out;
 - c. chair the meetings, e.g., shall declare the opening and closing of each meeting, lead discussions, accord the right to speak, arrange decision-making, announce decisions, rule on points of order, and pursuant to these rules of procedure, have control of the proceedings;
 - d. include additional points in the agenda in the course of the Monitoring Committee meeting, if sufficient evidence of their urgency is provided;
 - e. ensure that the Monitoring Committee decisions are in compliance with the legal framework and the provisions of the Programme.

¹ EU Partnership Agreement with Poland states: „Cohesion policy support will only be provided to projects and beneficiaries that comply with the anti-discrimination provisions referred to in Article 9(3) of Regulation (EU) 2021/1060. Where the beneficiary is a local government unit (or an entity controlled by or dependent on it) which has taken any discriminatory action contrary to the principles referred to in the above-mentioned article, support under cohesion policy cannot be granted.”

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Article 4

Meetings of the Monitoring Committee

1. The Monitoring Committee shall meet at least once a year and shall review all issues that affect the progress of the Programme towards achieving its objectives.
2. As a rule, the meetings of the Monitoring Committee shall be organised in the Programme area. However, if justified by organizational aspects and/or urgency to call the meeting, it can be held also outside the Programme area. If only possible, meetings shall be organized on the rotating basis between Poland and Ukraine.
3. The expenses related to the organization of the Monitoring Committee meetings shall be financed from the Technical Assistance budget in accordance with the legal framework and the provisions of the Programme.
4. The Monitoring Committee meetings shall not be open to public. Documents disclosed to the Monitoring Committee participants shall only be used for the purpose directly related to the works of the Monitoring Committee.
5. On behalf of the Chairperson, at least 14 calendar days in advance, the Joint Secretariat shall send (via e-mail) to the whole Monitoring Committee:
 - a. an invitation to the meeting,
 - b. agenda of the meeting,
 - c. documents for discussion and approval of the Monitoring Committee.
6. In exceptional cases the documents may be sent out shortly before the meeting, but not later than 3 working days.
7. As a rule, the minutes from the Monitoring Committee meeting shall be drawn up by the Joint Secretariat directly after the meeting. The minutes shall contain a list of decisions taken by the Monitoring Committee during the meeting. These minutes approved by the Monitoring Committee shall be published on the Programme website as soon as possible after the meeting.
8. The Monitoring Committee meetings shall be recorded.

Article 5

Decision-making

1. Decisions shall be made during the Monitoring Committee meetings or via the Monitoring Committee written procedures.
2. The Monitoring Committee shall take decisions by consensus. However, it may put certain decisions to a vote, particularly those relating to the selection of projects and the grant amounts allocated to them. Within this voting procedure, each, the Polish and the Ukrainian delegations has one vote, regardless of the number of their representatives.
3. Voting within national delegations assumes three options: yes/no/abstain from voting. If consensus cannot be reached within a national delegation, the simple majority rule shall apply (with participation of Monitoring Committee members from that particular national delegation, who are present at the Monitoring Committee meeting). Votes of members who abstain from voting are not counted. In case of equal votes yes/no, the head of that delegation decides.
4. In case of absence of consensus, the Chairperson may decide on initiating a written procedure or postponing the decision until the next Monitoring Committee meeting. In such cases the

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Chairperson may decide to set up a Working Group or to organize another Monitoring Committee meeting as soon as possible.

5. The Monitoring Committee may also take urgent decisions through written procedure at the initiative of the Managing Authority or the National Authority. In this case the Chairperson shall send a draft decision via the Joint Secretariat to the Monitoring Committee members, their deputies and observers by electronic mail. Delegations of the participating countries shall have 14 calendar days from dispatch of the proposal by the Joint Secretariat to respond in writing. If no written objection to the procedure or to the draft decision has been received within the deadline, the decision shall be deemed to be taken by the Monitoring Committee. In case of a disagreement, any member may request that the decision be discussed at a meeting. In any case, after the given deadline has expired, the Joint Secretariat shall inform all the decision is deemed to be taken or what objections have been raised.

The 14 calendar days' time limit may be shortened by the Managing Authority in cases of emergency and the need to take a decision urgently. However, the deadline for the submission of comments may not be shorter than 3 working days.

The updated list of the successfully finalised Monitoring Committee written procedures is published by the Joint Secretariat on the Programme website.

6. In case the Managing Authority has objections concerning the compliance of an Monitoring Committee decision with regulations and provisions in force, the decision shall be taken with reservation until the Managing Authority clarifies the matter with the EC. In case that no compliance should be asserted or no clarification could be obtained, the respective decision shall not come into force. The Managing Authority shall report the result of its communication with the EC to the Monitoring Committee members. The Monitoring Committee shall take the report into consideration and make a new decision accordingly.

Article 6

Selection of projects

1. Concerning the selection of projects for funding, the following rules shall apply:
 - a. the Monitoring Committee performs the strategic assessment of the projects,
 - b. projects shall be selected in accordance with the Programme's priorities and specific objectives,
 - c. following the assessment provided by the assessors, the Monitoring Committee shall select projects which comply with the Programme's priorities and provide an effective contribution to the achievement of its specific objectives,
 - d. the Monitoring Committee shall either approve (also under conditions) or reject an application,
 - e. The Monitoring Committee may approve for financing a project that has received the required minimum score, but has not been recommended for financing by the assessors. If such a project is approved instead of a project which has been scored higher in the quality assessment, the Monitoring Committee is obliged to provide justification, which should be included in the minutes of the Monitoring Committee meeting,

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- f. in any case, a project that has not received the required minimum score shall not be granted under the Programme,
 - g. in case the Monitoring Committee decides that the project recommended for funding by the assessors shall be rejected, the Monitoring Committee provides a duly justification, clearly referring to the assessment criteria which in its opinion were not adequately followed in the initial assessment.
2. In selecting projects, the Monitoring Committee shall:
- a. ensure that selected projects present the best relationship between the amount of support, the activities undertaken and the achievement of objectives,
 - b. verify that the Project Partners have 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,
 - c. ensure that projects which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council², 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,
 - d. ensure 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 the CPR or which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65(1) of the CPR,
 - e. 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,
 - f. ensure that the terms and conditions of funding are included in the approval decision.

Article 7

Code of conduct and working principles

1. Members of the Monitoring Committee shall be bound to observe the following rules of conduct, that is:
 - a. to participate in all the meetings as well as in the written procedures, when necessary,
 - b. to act in the interest of the efficient implementation of the Programme, in accordance with the scope and objectives of the Programme,
 - c. to take decisions in the public interest in compliance with the rule of transparency and impartiality,
 - d. to sign a declaration of impartiality and confidentiality, which is attached to these Rules of Procedure as a template (Annex 1). The Chairperson shall ensure that all participants of the Monitoring Committee have signed this declaration before every relevant meeting,
 - e. to declare to the Chairperson, via the Joint Secretariat, any situation of conflict of interest with regard to the discussions on a specific subject matter. In these cases, the Monitoring Committee member/observer is excluded from the discussion and decision on the subject matter and leaves the room until a decision has been taken on the matter.

² Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment

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2. The members of the Monitoring Committee shall be bound to confidentiality and impartiality during their work. Members shall not be 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 Monitoring Committee.
3. If a Monitoring Committee member violates the impartiality principles, the Monitoring Committee Chairperson shall send a request to the Head of the delegation to nominate another person as the Monitoring Committee member.
4. Provisions of this paragraph shall apply equally to members with voting rights and their deputies, as well as to any other participants involved in the work of the Monitoring Committee and are applicable after the end of their mandate.

Article 8

Joint Secretariat

1. In accordance with Article 46 of the Interreg Regulation, the Managing Authority shall set up a Joint Secretariat with staff taking into account the Programme partnership.
2. The Joint Secretariat shall assist the Managing Authority and the Monitoring Committee with their respective functions.
3. The Joint Secretariat shall perform all duties necessary for the proper work of the Monitoring Committee. In particular the Joint Secretariat shall:
 - a. prepare (unless other institutions involved in the Programme are responsible for the task) and distribute electronically to all the Monitoring Committee participants supporting documents needed to conduct discussions on the items on the agenda of the Monitoring Committee meeting,
 - b. prepare (unless other institutions involved in the Programme are responsible for the task) and distribute electronically to all the Monitoring Committee participants supporting documents needed to conduct the written procedure,
 - c. organise and carry out the preparation of the Monitoring Committee meetings and assist its activities,
 - d. organise and host online meetings of the Monitoring Committee, if needed,
 - e. draft minutes of the Monitoring Committee meetings, including justifications of the decisions taken by the Monitoring Committee,
 - f. ensure that decisions of the Monitoring Committee have been executed,
 - g. confirm that conditions set out by the Monitoring Committee, concerning projects, have been met by Project Partners,
 - h. ensure, on request of the Monitoring Committee, sufficient publicity of the Programme and the Monitoring Committee work,
 - i. assist any working group, appointed by the Monitoring Committee,
 - j. update the list of the Monitoring Committee members and their deputies.
4. If necessary, the Joint Secretariat shall be supported by its Branch Office.

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Article 9

Working Groups

1. The Chairperson may propose to the Monitoring Committee to establish working groups in order to support the implementation of the Programme. Their composition shall be decided according to expertise and thematic needs.
2. If necessary, the Monitoring Committee shall define specific rules for the operation of a Working Group.

Article 10

Working language

1. Polish and Ukrainian shall be the languages of the Monitoring Committee meetings. If necessary, the interpretation into English shall be provided. Documents prepared for and discussed by the Monitoring Committee, as well as minutes from its meetings shall be in English.
2. The language of the Monitoring Committee written procedures shall be English.

Article 11

Validity and revision

These Rules of Procedure shall enter into force on the day of their adoption by the Monitoring Committee. They shall remain valid until the acceptance of the Programme closure documents by the Commission or until a new edition of the Rules of Procedure is approved by the Monitoring Committee. They may be amended by decision of the Monitoring Committee and in agreement with the Managing Authority.

Annexes:

- Annex 1:** Template of the declaration of impartiality and confidentiality acc. to Art. 8 of this RoP.
- Annex 2:** Institutional composition of the Monitoring Committee

ANNEX 1
DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY

I, the signatory _____

have been appointed by _____

as a **member / deputy of a member / observer**³ of the Monitoring Committee for the Interreg NEXT Poland–Ukraine 2021-2027 Programme.

I am aware of the provisions stipulated in Articles 6 and 7 of the Rules of Procedure of the Monitoring Committee, whereupon any assessment and/or decision concerning the final choice of projects and grant amounts as well as examining the contentious cases of recovery notified by the Managing Authority shall be free from bias and not be influenced by partial interest of any of the individual Monitoring Committee members.

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

Should one of the following circumstances come into being during the procedure of a funding decision (including the assessment) or when examining the contentious cases of recovery notified by the Managing Authority, I will declare this immediately to the Monitoring Committee Chairperson and to the minutes of the Monitoring Committee meeting:

- The above-named authority acts as lead partner or as project partner who have submitted an application to the Programme;
- I have personal or professional or institutional involvement in one or more projects to be approved by the Monitoring Committee;
- I am not independent of all parties which stand to gain from the outcome of the selection process; 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, their consortium members or subcontractors within the previous 3 years.

I will then not participate in the discussion nor the voting on the matters in which I declared the conflict of interests. I accept furthermore that, if I have neglected to give the necessary statement as mentioned above, the Monitoring Committee Chairperson has the right to demand my resignation of the Monitoring Committee immediately.

Finally, I declare that 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 above-mentioned procedures will be used only for official related purposes.

Place and date: _____

Signature: _____

³ Delete the irrelevant

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ANNEX 2

Institutional composition of the Monitoring Committee

INSTITUTION		POLAND	UKRAINE	STATUS
relevant Programme authorities (IR, 29.1.a)				
1.	Managing Authority	Ministry of Development Funds and Regional Policy of the Republic of Poland		member
	National Authority		Secretariat of the Cabinet of Ministers of Ukraine	member
2.	Audit authority	National Revenue Administration		observer
3.	Group of auditors' representatives		Accounting Chamber	observer
4.	Control units	Center of European Projects - Control Department		observer
		Podkarpackie Voivodeship Office in Rzeszów		observer
		Podlaskie Voivodeship Office in Białystok		observer
bodies jointly set up in the whole programme area or covering a part thereof (IR, 29.1.b)				
5.	Joint Secretariat			observer
representatives of the programme partners referred to in Article 8 of Regulation (IR, 29.1.c)				
6.	Regional, local, urban and other public authorities			
a) Regions	Lubelskie Marshall Office		Volyn RM State Admin.	member
	Mazowieckie Marshall Office		Lviv RM State Admin.	member
	Podkarpackie Marshall Office		Zakarpattya RM State Admin.	member
	Podlaskie Marshall Office		Ternopil RM State Admin.	member
			Rivne RM State Admin.	member
			Ivano-Frankivsk RM State Admin.	member
			Volyn Regional Council	observer
			Lviv Regional Council	observer
			Zakarpattya Regional Council	observer
			Ternopil Regional Council	observer
			Rivne Regional Council	observer
			Ivano-Frankivsk Regional Council	observer
	b) Relevant ministries and other central authorities	Ministry of Foreign Affairs of Poland		Ministry of Foreign Affairs of Ukraine / Embassy of Ukraine in Poland
Ministry of Interior and Administration of Poland				member
Center for European Projects				observer
c) Euroregions	Euroregion Niemen			member
	Euroregion Puszcza Białowieska			member
	Euroregion Bug			member
	Euroregion Roztocze			member
	Euroregion Karpacki			member
7.	Economic and social partners	1. Business Centre Club 2. Związek Rzemiosła Polskiego 3. Konfederacja Lewiatan		member

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		4. Pracodawcy Rzeczypospolitej Polskiej ⁴		
8.	Relevant bodies representing civil society:			
	a) environmental partners	Stowarzyszenie EKOSKOP		member
	b) non-governmental organisations	1. NSZZ „Solidarność” 2. OPZZ (FZZ) ⁵	Platform Civil Society Ukraine-EU	member
	c) bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination	Stowarzyszenie na Rzecz Rozwoju i Promocji Podkarpacia "Pro Carpathia"		member
	d) research organisations and universities	Conference of Rectors of Academic Schools in Poland (CRASP)	1. National Council of Ukraine for Science and Technology Development Scientific Committee 2. National Research Foundation of Ukraine ⁶	member
Advisories				
9.	EC			observer
10.	Tesim			observer

⁴ All representatives can be present at the meeting with 1 voice (to be decided between institutions). However, in case of on-site participation: 1 representative on a rotation basis – to be decided between institutions. In case of on-line participation: no limitations as to their number.

⁵ Both representatives can be present at the meeting with 1 voice (to be decided between institutions). However, in case of on-site participation: 1 representative on a rotation basis – to be decided between institutions. In case of on-line participation: no limitations as to their number.

⁶ Both representatives can be present at the meeting with 1 voice (to be decided between institutions). However, in case of on-site participation: 1 representative on a rotation basis – to be decided between institutions. In case of on-line participation: no limitations as to their number.