



## **Preamble – Legal basis**

The Member States, the Republic of Slovenia and the Republic of Croatia 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 (Common Provisions Regulation – CPR), in particular Article 8 thereof;
- 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 (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 (Interreg Regulation) in particular Articles 22, 28, 29 and 30 thereof;
- 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, in particular Articles 10 and 11 thereof;
- Other legal acts applicable to the implementation of programme co-funded by the ERDF;
- Interreg Programme Slovenia-Croatia 2021-2027 (IP SI-HR 2021-2027), CCI Number: 2021TC16RFCB028, approved by the European Commission Decision, No. C(2022) 5940 final of 11 August 2022 and its modifications

and in agreement with the Managing Authority (MA) of the IP SI-HR 2021-2027, have established a Monitoring Committee (MC) for the IP SI-HR 2021-2027.

The MC has adopted the following Rules of Procedure (RoP).

### **Article 1 Composition**

1. The MC is composed of two Member State (MS) delegations. Each MS may propose a maximum of 10 members of the delegation who have the voting right. The composition of the MC is set out in Annex 1 to this document.
2. Each Member State shall appoint its representatives and provide the MA with the names and contact details of the representatives. Any change of representatives shall be notified in written to the MA as soon as possible, no later than 3 calendar days prior to the meeting.
3. The MC members are entitled to substitute their representatives by appointment of deputies, or, in exceptional cases when neither the representative nor the deputy can participate, by sending substitutes to the meetings (MA has to be notified about this in a written form). Deputies may participate at the MC meetings and have decision-making powers only in the

absence of the representatives. Deputies shall be kept informed of the work progress of the MC. They receive all documents drafted and circulated to the MC.

4. MA or MS delegations may, upon prior written agreement of the MA and in individual cases, invite external experts and guests to the MC meetings to contribute with an expertise to the MC discussions. The Chair shall inform the MC members before the meeting of such presence.
5. The representatives of the programme structures (Managing Authority, Joint Secretariat, Audit Authority/Audit Body, Body performing the accounting function) also attend the MC meetings. The aforementioned representatives have no right to vote.
6. The representative of the European Commission shall participate in the work of the MC in an advisory capacity.
7. The designation of MC shall respect the non-discrimination principle and promote equality between men and women.
8. The list of MC members will be published on the programme website.

## **Article 2**

### **Chair**

1. The MC shall be chaired by a representative of the MA.
2. The Chair shall be responsible for the proper functioning of the MC.
3. The Chair shall draw the provisional agenda in cooperation with the Joint Secretariat (JS). The agenda shall be sent (together with the invitation and meeting documents) to the members of the MC at least 15 calendar days in advance.
4. The Chair shall convene meetings, direct the discussion, accord the right to speak, put questions to the vote, summarise, announce decisions, engage in mediations between members if needed. The Chair supervises the proceedings of the meetings.
5. The MA in its function as Chair has an active but impartial role during the meetings. Therefore, the Chair has no voting right.

## **Article 3**

### **Functions and tasks**

1. The MC carries out its functions in line with Article 30 of the Interreg Regulation, in particular, it shall examine:
  - a) the progress in programme implementation and in achieving the milestones and targets of the IP SI-HR 2021-2027;

- b) any issues that affect the performance of the IP SI-HR 2021-2027 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 IP SI-HR 2021-2027 operations of strategic importance;
- f) the progress in administrative capacity building for public institutions and beneficiaries, where relevant.

In addition to its tasks concerning the selection of operations listed in Article 22 of the Interreg Regulation, the MC shall approve:

- a) the methodology and criteria used for the assessment and selection of operations, including any changes thereto;
- b) the evaluation plan and any amendment thereto;
- c) any proposal by the MA for the amendment of the IP SI-HR 2021-2027, including transfer of funds between priorities in accordance with Article 19(5) of the Interreg Regulation;
- d) the final performance report.

2. Furthermore, the MC shall also:

- a) approve the Terms of Reference of Open Calls for proposals and timeline;
- b) select and approve project proposals on the basis of the assessment done in compliance with the approved methodology for assessment and selection of applications;
- c) ensure that reasons for approval or rejection or conditions related to project applications are clearly set out in the MC decision;
- d) if relevant, examine and approve modifications in the approved operations in line with the terms and conditions set in the Open Call;
- e) establish additional rules on eligibility of expenditure for the programme level in accordance with Article 37 of the Interreg regulation;
- f) in accordance with Article 37 of the Interreg regulation be consulted about the cases in the event of a difference of opinion between the Managing Authority and the Audit Authority regarding the eligibility of expenditures.
- g) approve measures affecting the programme and operations in order to comply with the programme performance framework and minimise de-commitment risk. The MC may then ask the MA to take appropriate measures - including the termination of the subsidy contract if the implementation of the project infringes conditions set in the subsidy contract<sup>1</sup>;

3. The MA in accordance with Article 69(7) CPR nominates the members of the Complaint Panel and their deputies and informs the MC thereof. Detailed rules concerning the complaint procedure are laid down in the Rules on Complaint procedure. The MC will be informed about

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<sup>1</sup> Should the lead partner violate the subsidy contract provisions and the MA intends to terminate the subsidy contract, the MC shall be consulted prior to such a decision. The decision on the legal aspects of the case, however, remains with the MA.

the complaints received within the programme, including the content and the solutions proposed or already implemented.

4. The MC takes the role of the Monitoring Committee of the Cooperation programme Slovenia-Croatia 2014-2020, together with all the functions listed in Articles 49 and 110 of the Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013. When the MC acts in its capacity as the MC of the Cooperation Programme Slovenia-Croatia 2014-2020, all the topics related to 2014-2020 will be separately stated in the agenda and the decisions taken in this capacity will be separately documented in the Minutes.

#### **Article 4 Meetings**

1. The MC shall in accordance with the Article 28 of the Interreg Regulation meet at least once a year, upon invitation of the Chair. The meetings of the MC shall, unless otherwise decided by the MC, be hosted in each Member State (MS) on rotational basis. Additional meetings may be convened upon request by the MA or upon request of at least one MS delegation. As a general rule, the MC meetings will take place in a physical form, they may also be held in a virtual or hybrid format.
2. Invitations shall be sent by the JS at least 15 calendar days before the meeting together with the provisional agenda and the meeting materials. Requests for additional items to the agenda should be submitted to the JS in written at the latest 7 calendar days before the meeting in order to provide some additional materials. In urgent cases, the Chair in the agreement with both MS delegations can decide to put some additional items on the agenda outside this time frame and may shorten the above set deadlines.
3. The agenda of the meeting shall be adopted at the beginning of each meeting.
4. The Minutes shall be drafted in English by the JS and shall be sent (by the JS on behalf of the Chair) in electronic format to the members no later than 15 calendar days after the meeting. The MC members may formulate observations or proposals of amendments no later than 12 calendar days after the document was sent unless otherwise decided by the MC. If no objections are raised, the Minutes are considered as approved.
5. In case of objections by one or more members, the JS shall revise the Minutes accordingly, if needed, agree on a final version with the Chair and send the final Minutes to the MC members. In case this procedure leads to contradictory objections, the Chair shall inform the MC members and seek clarifications before finalisation.

**Article 5**  
**Decision-making**

1. The MC is considered regularly established and its decisions have validity, meaning that the quorum is ensured, if at least four MC members from each MS delegation having at least one authorisation from the absent member of the MS delegation are present at the meeting.
2. The decisions of the MC shall be taken by consensus of the MC delegations in accordance with the one MS one vote principle. In the absence of consensus, the Chair may decide to adjourn the matter to the next meeting, to organise a written procedure or to reject the decision.
3. The decisions of the MC shall be approved by the MC directly at the meeting and made public via programme website after the meeting.
4. The decisions relating to the selection of operations shall be communicated to the applicant by the JS, including the possibility to appeal.

**Article 6**  
**Written procedure**

1. The decisions may be adopted by a written procedure. A written procedure may be initiated by the Chair (upon request of one Member State delegation or upon the need for a quick decision initiated by MA or JS). A written procedure is launched and managed by the JS on behalf of the MA.
2. In cases of written procedure under the previous paragraph, the JS shall send all documents necessary to the members of the MC together with the draft proposal. Each MS delegation of the MC shall reply within 12 calendar days from the date of launch of the written procedure. The proposal shall be deemed adopted by the MC, if there are no written objections by MS delegations within that period.
3. In exceptional cases, the MA can launch an emergency written procedure and ask the members of the MC to reply in a shorter time period (which shall not be less than 7 calendar days) than stated in the paragraph above.
4. Concluding the written procedure, the JS shall inform the MC:
  - a) whether the proposal on which the consultation has been made has been agreed or
  - b) if MS delegation has submitted written objections to a proposal and what the Chair has determined.
5. The Chair shall inform the members of the MC within 10 calendar days after the deadline on the results of the written procedure.
6. The result of a written procedure can be the following:

- a) MS delegations raise only technical comments. In this case the MA decides if the remarks are included in the documents. The proposal is deemed to be approved with those minor modifications.
  - b) MS delegations express no written objection within the deadline. The proposal is deemed to be agreed.
  - c) A written objection is raised by one or both MS delegation of the MC within the deadline.
7. If written objections are raised, the matter shall be clarified and consensus between the Member States delegations shall be sought by the Chair. Member State delegations, having one vote each, shall make internal consultation concerning written objection and present to the Chair Member State delegation joint decision within 10 calendar days.

If no final decision can be reached within one month of the launch of the written procedure, the matter shall be decided via a separate decision-making procedure or the matter shall be put on the next MC agenda. MS delegations can withdraw objections any time.

If no objections are raised until the set deadline, the decision is deemed as taken and the JS shall inform all members.

#### **Article 7** **Code of Conduct and working principles**

1. Any decision taken by MC when executing the tasks laid down in Article 3 shall be free from bias and must not be influenced by partial interest of any of the individual members participating in the MC.
2. Members of the MC are bound to observe the following rules of conduct:
  - a) To participate in meetings as well as in written procedures;
  - b) To act in the interest of an efficient implementation of the IP SI-HR 2021-2027, in accordance with the scope and objectives of the programme;
  - c) To take decisions in the public interest and not to act in the purpose of obtaining financial advantages or other benefits for themselves or for others;
  - d) To declare to the Chair, at the beginning or during any meeting, any situation of conflict of interest in which they might be with regards to the discussions on a specific subject matter. In this case, the member shall be excluded from discussion and decision on the subject matter (and leave the room until a decision has been taken on the matter). Any person paid by an approved operation, cannot be a MC member.
  - e) To inform their organisation after each meeting and written procedure, of the outcomes and decisions taken.
3. Meetings of the MC are confidential in nature and its members are bound to confidentiality and impartiality. Members have to sign a declaration on confidentiality and impartiality at the

first attendance on the MC meeting. Members are not entitled to disclose any details of meeting discussions. This obligation shall survive after the end of their mandate.

4. In case these provisions are not respected by a member, the individual shall be revoked by the Chair, and shall be replaced by its organisation, after clarification has been provided on the matter.
5. These provisions shall equally apply to MC members with voting rights, their deputies or substitutes, as well as advisors and any other experts invited.

#### **Article 8**

##### **Working language and communication**

1. The official languages of the MC meetings shall be Slovenian and Croatian, in order to support active participation of all members and limit the risk of misunderstandings. Simultaneous interpretation at the meeting into Slovene and Croatian has to be provided as a general rule. Aiming at assuring an efficient and rapid communication among its members in a framework of parity of conditions, English may be used as a subsidiary working language when the need arises. The documents required for the meeting shall be presented in English language (in exceptional cases Slovenian or Croatian language documents may be provided).
2. Costs incurred for translation and simultaneous interpretation will be covered out of Technical Assistance of the Programme. Translations in English language may be provided, if needed.  
  
Communication between members of the MC and the MA/JS is generally occurring through electronic means including e-mail and video-communication platforms. Transmission of documents shall be either done via e-mail, the programme intranet and/or the IP SI-HR Joint electronic monitoring system.

#### **Article 9**

##### **Joint Secretariat support to the MC**

1. In accordance with Article 46(2) of the Interreg Regulation, the MC shall be supported by the JS acting under the responsibility of the MA, in carrying out its respective functions. In particular, the JS is responsible for organization of MC meetings, the preparation of all documentation relating to the MC meetings and for preparation of the Minutes (in English language) in coordination with the Chair and monitoring the follow-up of the MC conclusions.
2. Pursuant Article 28(4) of the Interreg Regulation the JS shall publish the MC rules of procedures (this document) as well as a summary of both data and information, including decisions, approved by the MC on the programme website. Decisions shall be published after each meeting of the MC, upon approval of the respective Minutes.



**Article 10**  
**Working groups or other bodies assisting MC**

1. The MC may decide to set-up specific sub-committees, task forces, working groups to examine particular issues or other bodies assisting it in its functions.
2. The MC establishes the Bilateral Working Group (BWG), who will assist/support the MA and JS during the programme implementation in order to ensure effective and qualitative programme implementation (e.g. elaboration of programme documents, application pack, evaluation issues etc.).
3. The BWG consists of programme partners representing both MSs and representatives of MA and JS. The MS Croatia is represented by Ministry of Regional Development and EU Funds, Directorate for European Territorial Cooperation, Sector for Coordination of European Territorial Cooperation Programmes and Macro-Regional Strategies, Service for Cross Border Cooperation, acting as a National Authority (NA). The MS Slovenia is represented by the Government Office of RS for Development and European cohesion policy, European Territorial Cooperation and Financial Mechanisms Division, European Territorial Cooperation and Financial Mechanisms Section, acting as a NA. The BWG may also invite to the meetings representatives of other programme structures (e.g. National Controllers, Body performing the accounting function, Audit Authority/Audit Body, etc.) or any other external experts, if needed.
4. MA/JS organises the BWG meetings and prepares the supporting documents. As a general rule the material for the meeting shall be submitted at least 7 calendar days prior to the meeting.
5. The BWG approves unanimously the programme documents except those approved by the MC.
6. The members of the MC will be regularly informed about the work of the BWG by MA/JS.

**Article 11**  
**Validity**

These Rules of Procedure shall enter into force at the first meeting of the MC. They shall remain valid until acceptance of the programme closure documents by the European Commission or acceptance of modified Rules of Procedure. These Rules of Procedure are adopted in English version.

**Article 12**  
**Revision**

After adoption, the Rules of Procedure may be revised by the MC by consensus of the Member State delegations.

## Annex 1

The composition of the MC is the following:

- a) Members with voting right for Republic of Slovenia:
- Ministry of Cohesion and Regional Development (2 representatives)
  - Ministry of the Economy, Tourism and Sport (1 representative)
  - Ministry of Culture (1 representative)
  - Ministry of the Environment, Climate and Energy/Ministry of Natural Resources and Spatial Planning (1 representative)
  - Government Office for Slovenians Abroad (1 representative)
  - Ministry of Defence, Administration for Civil Protection and Disaster Relief (1 representative)
  - Eastern Slovenia Cohesion Region (1 representative)
  - Western Slovenia Cohesion Region (1 representative)
  - Non-governmental organisation (1 representative)
- b) Members with voting right for Republic of Croatia:
- Ministry of Regional Development and EU Funds (2 representatives)
  - Ministry of Economy and Sustainable Development (2 representatives)
  - Ministry of Foreign and European Affairs (1 representative)
  - Ministry of Culture and Media (1 representative)
  - Ministry of Tourism and Sport (1 representative)
  - Zagorje Development Agency (1 representative)
  - Varaždin County (1 representative)
  - Croatian Chamber of Economy (1 representative)
- c) Member in advisory capacity:
- European Commission, DG Regional and Urban Policy, Unit D2 European Cross-Border Cooperation
- d) Representatives of the programme structures:
- Ministry of Cohesion and Regional Development, Managing Authority
  - Ministry of Cohesion and Regional Development, Joint Secretariat
  - Ministry of Finance, Budget Supervision Office, Audit Authority
  - Public Fund of the Republic of Slovenia for Regional Development and Development of Rural Areas, Body performing the accounting function