
Rules of procedure for Monitoring Committee Interreg Meuse-Rhine (NL-BE-DE)

Final version 8 February 2023, after Monitoring Committee

1. Introduction

For the Interreg Meuse-Rhine (NL-BE-DE) programme, a Monitoring Committee has been set up to monitor the progress in the implementation of the programme, in accordance with the following regulations and documents:

- 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) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments.
- 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.
- The European Commission's Implementing Decision of 14 November 2022 approving the Interreg Meuse-Rhine (NL-BE-DE) programme (2021TC16RFCB001).
- The Partnership Agreement between the programme partners in force as of 14 November 2022 regarding the implementation of the Interreg Meuse-Rhine (NL-BE-DE) programme.

2. Members of the Monitoring Committee

2.1 The members of the Monitoring Committee and their possible substitutes are appointed by the respective programme partners of the Interreg Meuse-Rhine (NL-BE-DE) programme, as stated in the Partnership Agreement of 23 February 2022.

2.2 In addition to these political-administrative representatives, with reference to Article 8 of Regulation (EU) 2021/1060, a number of representatives of socio-economic partners is added to the list of members of the Monitoring Committee. The Article 8 partners will be included via a rotation model, indicating which Member State (or underlying region) has to provide which Monitoring Committee representative for what period.

2.3 The Monitoring Committee consists of voting members and also has members in an advisory capacity.

The voting members are representatives of:

- Ministerie van Economische Zaken en Klimaat van Nederland
- Ministerium für Wirtschaft, Innovation, Digitalisierung und Energie des Landes Nordrhein-Westfalen
- Ministerium für Wirtschaft, Verkehr, Landwirtschaft und Weinbau des Landes Rheinland-Pfalz
- Ministerie van Economie, Innovatie, Werk, Sociale economie en Landbouw van het Vlaams Gewest en de Vlaamse Gemeenschap
- Wallonie
- Fédération Wallonie-Bruxelles
- Deutschsprachige Gemeinschaft Belgiens
- Provincie Limburg (NL)
- Provincie Limburg (B)
- Province de Liège
- Zweckverband Region Aachen

The members in an advisory capacity are:

- Provincie Vlaams-Brabant
- Provincie Noord-Brabant
- European Commission
- EGTC Meuse-Rhine
- Bezirksregierung Köln
- Municipalities in the programme area (one representative)
- Employers' organisations representing the employers in the programme area (one representative)
- Trade union organisations, representing workers/employees in the programme area (one representative)
- Knowledge institutions, either from a university, or from a college of higher education, or from a research organisation in the programme area (one representative)
- Environmental organisations in the programme area with undisputed expertise regarding the Green Deal / Low Carbon Economy (one representative)
- Organisations out of the programme area covering the topics of the Social Agenda, social inclusion, gender equality (and LGBTI), fundamental human rights, rights of persons with disabilities and non-discrimination (minorities) (one representative)
- Bundesministerium für Wirtschaft und Klimaschutz
- Audit Authority – Auditdienst Rijk van Nederland

The Monitoring Committee is supported by the Managing Authority and assisted by the Joint Secretariat. The Managing Authority and the Joint Secretariat participate in the meetings and have the right to take the floor.

Additionally, one Regional Antenna (on a rotation basis) is allowed to participate in the Monitoring Committee meetings in the role of observer.

2.4 Each organisation represented in the Monitoring Committee appoints its own representative. The names of the representatives have to be notified to the Managing Authority, also in the event of changes. The members have the right to appoint or to send substitutes to the meetings. In case the appointed representative cannot attend a Monitoring Committee meeting, he or she can only be replaced by the substitute. The Managing Authority has to be informed prior to the meeting.

2.5 The Monitoring Committee will be chaired by a representative of one of the five entities having signed the Memorandum of Understanding to approve the Interreg Meuse-Rhine (NL-BE-DE) programme, to be referred to as 'Member State'. These are the Netherlands, Flanders, Wallonia, North Rhine-Westphalia and Rhineland-Palatinate. The Chair is appointed for a period of one year. The annual rotation schedule for chairing the Monitoring Committee is:

- North Rhine-Westphalia
- Netherlands
- Rhineland-Palatinate
- Flanders
- Wallonia

Exceptionally, if the representative of the Chair is unable to attend, the substitute from the chairing Member State will perform the duties of the Monitoring Committee.

3. Tasks

In accordance with Articles 30(1) and (2) of Regulation (EU) 2021/1059, the Monitoring Committee has the following formal tasks:

3.1 The Monitoring Committee examines:

- a) The progress in programme implementation and in achieving the milestones and targets of Interreg Meuse-Rhine (NL-BE-DE),
- b) Any issues that affect the performance of the Interreg Meuse-Rhine (NL-BE-DE) programme and the measures taken to address these issues,
- c) The progress made in carrying out evaluations, synthesis of evaluations and any follow-up given to findings,
- d) The implementation of communication and visibility actions,

- e) The progress in implementing the operations of strategic importance and, where applicable, of large infrastructure projects, and
- f) The progress in administrative capacity building for public institutions and beneficiaries, where relevant.

3.2 The Monitoring Committee has to approve:

- a) The methodology and criteria used for the selection of operations, including any changes thereto,
- b) The evaluation plan and any amendment thereto,
- c) Initiation of calls for proposal and their budget,
- d) Any proposal by the Managing Authority for the amendment of Interreg Meuse-Rhine (NL-BE-DE).
- e) The final performance report.

In addition, the Monitoring Committee has to decide on and monitor the implementation of Technical Assistance.

The Monitoring Committee delegates the task of selection of operations (project selection) and the assessment of major project changes to the Steering Committee, taking into account the general selection principles as referred to in Article 22(4) of Regulation (EU) 2021/1059.

4. Language

The official languages of the Monitoring Committee are Dutch, German and French. Simultaneous interpretation into Dutch, German and French is provided during Monitoring Committee meetings.

5. Operational matters

- 5.1 Pursuant to Article 28(3) of Regulation (EU) 2021/1059, the Monitoring Committee has to meet at least once a year. Additional meetings may be organised if circumstances so require, or at the written request of at least three members.
- 5.2 The meetings of the Monitoring Committee take place in the Gouvernement aan de Maas in Maastricht, or another location agreed with the Chair. If circumstances require, an online meeting can be organised.
- 5.3 The Joint Secretariat acts as the secretariat of the Monitoring Committee under supervision of the Managing Authority.
- 5.4 The Managing Authority in coordination with the Chair takes the initiative to fix a date and to organise the meeting. The invitation to each meeting will be sent to the members of the Monitoring Committee no later than four weeks before the date of the meeting.

- 5.5 The Managing Authority and the Joint Secretariat prepare the meeting together with the Chair, including the agenda. The meeting documents will be sent to the members two weeks before the date of the meeting. The meeting documents are drawn up in the official languages. If a timely transmission of documents to the Monitoring Committee is not possible, the members of the Monitoring Committee are informed in due time, and the concerned agenda item will not be treated in that meeting.
- 5.6 Members unable to attend a Monitoring Committee meeting may send in advance a notice of agreement, comments and feedback to the Managing Authority, or delegate their vote to another member.
- 5.7 Before the start of the meeting, all attendees should sign the attendance list. In case of an online meeting, attendees have to confirm their presence orally, when an inventory is taken at the beginning of the meeting.
- 5.8 The meetings of the Monitoring Committee are not public. Members of the Monitoring Committee treat the discussions they attend and the information they receive as members of the Monitoring Committee with confidentiality, even after expiration of their term. This does not include the dissemination of information within the organisation they represent in the Monitoring Committee. Confidentiality does not apply to the decisions taken by the Monitoring Committee, as they have to be published.
- 5.9 Requests from Monitoring Committee members for information or support should be sent in writing to the Managing Authority and the Joint Secretariat. The Managing Authority and the Joint Secretariat should be given a reasonable period of time to respond. When it is regarded of added value, the Managing Authority and/or the Joint Secretariat disseminates the information to other members of the Monitoring Committee.

6. Decision-making

- 6.1 Decisions can be made when at least 75% of the voting members are present directly or via the delegation of the vote. If the decision needs to be taken before the next Monitoring Committee meeting, or if the quorum is not reached, the Chair can initiate a decision-making process in writing (hereinafter referred to as “written procedure”).
- 6.2 The Monitoring Committee decides by consensus, after the Chair has formulated a draft decision on a specific issue. Each voting member has one (equal) vote.
- 6.3 Members attending in an advisory capacity may participate in the discussion prior to the decision-making, but not in the actual decision-making itself.
- 6.4 If not all members of the Monitoring Committee agree to a draft decision or conclusion, a second round of discussions takes place. If after this second round of discussions a consensus still cannot be reached, the decision or conclusion is rejected and deferred to the next meeting of the Monitoring Committee.

- 6.5 Members have the right to abstain from voting. Abstaining from voting should be seen as taking a neutral position, not blocking the decision.
- 6.6 The conclusions and decisions of the Monitoring Committee meetings will be documented in writing by the Managing Authority. In order to make meeting minutes as good as possible, a recording is made of each meeting, which is deleted after adoption of the minutes. At the request of a member, specific comments may be included in the meeting minutes. The minutes will be drawn up in the official languages and, after approval by the Chair, circulated to all members within eight weeks after the meeting. Members may respond in writing to the Managing Authority within four weeks of receipt of the minutes. The decisions of the Monitoring Committee will be documented in writing by the Managing Authority during the meeting and, after approval by the Chair, published on the programme website within two weeks after the meeting.
- 6.7 The minutes are adopted at the next meeting. Participants in the meeting who feel that their input or the input of others is not correctly reflected may propose amendments.
- 6.8 In well-reasoned cases, the Monitoring Committee may take decisions by written procedure.
- The Monitoring Committee delegates the responsibility to start a written procedure to the Managing Authority.
 - Before the start of the written procedure, the Managing Authority informs the members of the Monitoring Committee by e-mail of the purpose of the written procedure, what the response options are and what the next steps will be after the decision has been taken and who will carry them out.
 - The written procedure officially starts as soon as all supporting documents relating to the written procedure have been sent to the members of the Monitoring Committee.
 - Then, a response period of four weeks applies. In urgent cases this period may be shortened.
 - Responses within a written procedure should be drafted in one of the working languages.
 - Remaining silent to a proposal within the time limit set is to be considered as approval of the member.
 - The Managing Authority coordinates the follow-up of the written procedure and informs about the decision(s) and the outcome(s) after completion of the procedure, and also at the next meeting of the Monitoring Committee.
 - Substantial problems with the implementation of Interreg Meuse-Rhine (NL-BE-DE) may not be dealt with by written procedure, but have to be discussed in a physical meeting of the Monitoring Committee.
- 6.9 Where the Managing Authority considers (with reasons) that a decision is contrary to applicable legal principles, the decision will be suspended and either confirmed in amended form or overturned at the next meeting of the Monitoring Committee.

6.10 Decisions taken or positions adopted at meetings are considered decisions and positions of the Monitoring Committee as a whole and will be communicated as such to third parties (if applicable).

6.11 The Monitoring Committee may decide to set up specific working groups to contribute to the quality and/or efficient implementation of Interreg Meuse-Rhine (NL-BE-DE). The Chair of such a working group has to report to the Monitoring Committee on the progress and conclusions of the work carried out. If applicable, the Monitoring Committee checks whether tasks assigned to the working group have been properly carried out.

7. Conflict of interest

7.1 Two types of conflict of interest can be distinguished:

- Organisational conflict of interest
- Personal conflict of interest

7.2 Organisational conflicts of interest can occur when a member of the Monitoring Committee has to decide on a proposal that covers his/her mandate within the organisation represented by that member of the Monitoring Committee. In case of small organisations, project development and implementation on the one hand and project assessment on the other hand need to be in distinct parts of the administration, guaranteeing a clear separation of functions.

7.3 Personal conflicts of interest may arise where a Monitoring Committee member's private interests - such as external personal or professional relationships or personal financial interests - conflict or appear to conflict with the performance of his/her official duties. A personal conflict of interest also occurs when members of the immediate family¹ are involved in a project.

7.4 As part of the set of measures to prevent, detect and appropriately mitigate conflicts of interests:

- All voting members of the Monitoring Committee have to state that they have taken note of and agree to these Rules of Procedures.
- Any potential conflict of interest must be disclosed prior to, but no later than, the beginning of the meeting. When the attendance list is signed, it should be indicated if there is a conflict of interest in any of the agenda items.
- In case of an online meeting, attendees have to indicate any potential conflict of interest orally, as part of the first agenda point / opening of the meeting.

¹ 'Immediate family' comprises according to Commission notice Guidance on the avoidance and management of conflicts of interest under the Financial Regulation (2021/C 121/01) the following relationships, including if formed through adoption: The spouse (including a partner with whom the individual has a (non-) registered non-marital partnership), children and parents, (great-)grandparents and (great-)grandchildren, (half-) brothers and sisters (including from blended families), uncles and aunts, nieces and nephews, first-degree cousins, parents-in-law, children-in-law, siblings-in-law, stepparents and stepchildren.

- Any potential conflicts of interest by voting members are summarised by the Chair at the start of the meeting.
- In the special circumstance that all voting members are in a conflict of interest, this provision shall not apply, so as not to make decision-making impossible.

7.5 Members who have a conflict of interest are not permitted to participate in the discussion and decision-making on this agenda item and have to leave the meeting for the duration of the discussion of the relevant agenda item. Nor may they attempt to influence the decision-making in any other way.

8. Start, amendments and duration

- 8.1 The Rules of Procedure have been adopted on 8 February 2023. From that date, the Rules of Procedure are in force.
- 8.2 The Monitoring Committee may unanimously decide to amend these Rules of Procedure, provided that such amendments are not in conflict with the applicable regulations and other relevant documents.
- 8.3 The tasks and responsibilities of the Monitoring Committee and the applicability of these Rules of Procedure end upon the conclusion of Interreg Meuse-Rhine (NL-BE-DE) for the programme period 2021-2027.