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NEXT Poland – Ukraine

**Annex 8
to the Manual for small projects**

**RULES OF PROCEDURE OF THE
SMALL PROJECT FUND COMMITTEE
INTERREG NEXT POLAND - UKRAINE 2021-2027
PROGRAMME**

INTRODUCTION

The Small Project Fund Beneficiary (hereinafter "SPF Beneficiary") - the Association of the Carpathian Euroregion acting on the basis of:

Chapter 4.3 of *the Manual for small projects in the Interreg NEXT Poland - Ukraine 2021-2027 Programme*.

appoints the Small Project Fund Committee (hereinafter "Committee") in order to select small projects and to carry out other tasks laid down in the Rules of Procedure of the Committee within the framework of the implemented Small Project Fund in the Interreg NEXT Poland-Ukraine 2021-2027 Programme.

§ 1

Tasks of the Small Project Fund Committee

1. The tasks of the Committee include:

- a) Adopt the Rules of Procedure of the Committee, including the provisions on the prevention of conflicts of interest and on the application of the principle of transparency, and amend them.
- b) Approve the composition of the Small Projects Fund Committee and its amendments.
- c) Approval of the list of experts on the basis of the criteria set out in the *Rules for the selection and work of experts*.
- d) To appoint an Objections Panel from among the candidates put forward by the SPF Beneficiary in accordance with the provisions set out in the *Rules of Procedure of the Objections Panel*.
- e) Selection of small projects for implementation according to the following rules:
 - The Committee is informed of projects rejected on formal grounds and those not recommended as a result of the qualitative assessment.
 - The Committee considers the projects recommended for funding by the Expert Panel and decides whether to select and approve them for implementation or to reject them.
 - The Committee bases the selection of small projects for funding on the results of the qualitative assessment. However, it may also take into account additional factors or formulate additional conditions, and recommendations for small projects selected for funding, which will have to be met during the contracting phase.

- f) Vote on the grant application of an Applicant whose objections to the selection of a small project have been upheld by the Objections Panel in accordance with the Objections Procedure.
- g) Approval of amendments to small projects where the Committee's approval is required in accordance with the rules laid down in the Manual for small projects.
- h) Review all issues affecting the implementation of the SPF and the remedial measures taken.
- i) Analysis of progress in implementing the SPF and achieving its objectives.
- j) Oversee the efficiency and correctness of the implementation of small projects.
- k) Make recommendations to the SPF Beneficiary including on the reduction of the administrative burden for applicants/beneficiaries of small projects, and monitor the follow-up.
- l) To carry out tasks other than those mentioned above if this is justified in view of the purpose for which it was established.

§ 2

Composition of the Small Project Fund Committee

1. The voting members of the Committee are representatives of the following institutions and organisations from Poland and Ukraine representing:
 - a) SPF Beneficiary
 - b) regional/local/municipal authorities and other public institutions,
 - c) economic/social partners/ organisations representing civil society,
 - d) NGOs active in the thematic area of a given SPF ¹

whereby each institution with voting rights may only be represented by one member.

The Committee consists of equal number of voting members from Poland and Ukraine, representing institutions and organisations from all voivodeships and oblasts of the Programme area.
2. The members of the Committee as observers without voting rights are representatives of the following institutions:
 - a) Managing Authority,
 - b) National Authority,
 - c) Joint Secretariat,

¹ The SPF Beneficiary independently determines the composition of the Committee, which includes representatives of the two participating countries. The SPF Beneficiary shall ensure the separation of the small project assessment process from the selection process by the Small Project Fund Committee, which means that those participating in the small project assessment cannot participate in the selection by the Small Project Fund Committee.

- d) National Controller for the SPF project
whereby only one observer from the institution concerned may attend.
3. A representative of the European Commission may also participate in the work of the Committee in an advisory and monitoring role.
 4. The SPF Beneficiary may invite as observers to the Committee also representatives of institutions/organisations other than those mentioned in paragraphs 1, 2 and 3, if justified and representatives of the SPF Beneficiary providing administrative and technical support for the meeting/procedure.
 5. Each institution/organisation constituting the Committee shall nominate by name one member and one alternate member of the Committee . The list of members of the Committee and its updates are subject to the approval of the Committee.
 6. Voting rights in the Committee shall be held by the members nominated by the institutions/organisations mentioned in Article 2(1) of *the Rules of Procedure*.
 7. The observer shall take part in the meetings of the Committee without the right to vote. The observer has the right to express his/her opinion on any matter under discussion.
 8. The rights and duties of the members of the Small Projects Fund Committee include:
 - a) representing the interests and needs of the Polish-Ukrainian border region as expressed in the programme document,
 - b) familiarise themselves with the documents and materials that are the subject of the work of the Committee,
 - c) Actively participate in the work of the Committee.
 9. Membership of the Committee expires on the day on which a member of the Committee loses the function to which he/she is attached. The institution/organisation which is represented in the Committee shall inform the Committee Chairman immediately of the dismissal of its member or of his/her resignation, and of the election of a new representative to the Committee.
 10. At the request of a member of the Committee, in justified cases and with the agreement of the Committee Chairman, another representative of the institution/organisation he/she represents may take part in the Committee meetings as an observer, as a person supporting the member in question in the work of the Committee.

§ 3

Mode of operation

1. The Small Project Fund Committee is chaired by a representative of the SPF Beneficiary designated by the Association of the Carpathian Euroregion.

2. The Chairman is responsible for the proper functioning of the Committee. His/her tasks include:
 - a) setting the date and convening the meetings of the Committee in accordance with the Small Project Fund Committee's rules of procedure,
 - b) setting the agenda,
 - c) chairing the meetings and ensuring that they are properly conducted.
3. The Committee meets at least once a year. The frequency of meetings shall be adapted to the needs and stage of implementation of the small projects. Meetings may also be convened by the Chairman of the Committee at the written and reasoned request of a voting member of the Committee. Meetings may also be held remotely or hybrid.
4. A quorum of at least 50% of the membership approved by the Committee is required to hold a meeting of the Small Projects Fund Committee.
5. The Committee may also take decisions by written procedure coordinated by the Beneficiary.
6. A member of the Committee is obliged to inform the Beneficiary of his/her future absence at least three calendar days before the day of the meeting.
7. If a member or his/her alternate is unable to attend a meeting of the Committee, he/she may grant a proxy to another person. The proxy shall be valid only for the relevant meeting of the Committee and shall be submitted to the Chairman in writing by post or by electronic means in the form of a scan at least three calendar days before the scheduled meeting of the Committee.
8. The Committee may appoint experts in specific cases and for specific agenda items.

§ 4

Voting procedure

1. Each member of the Committee is entitled to one vote.
2. The members of the Committee shall strive for consensus. Decisions are taken by a simple majority of votes in the presence of at least half of the members entitled to vote. When the number of votes is equal, the result of voting is decided by the Chairman of the Committee after consulting a representative of the Managing Authority and the National Authority. The Chairman shall also ensure that decisions taken are in line with the programme and in the interest of programme implementation.
3. The decisions of the Committee are impartial. The members/deputy members/Chairman of the Committee are excluded from taking part in discussions and votes concerning projects in which they are involved (personally, organisationally or in any other way) or where a conflict of interest arises, which they declare in the Declaration of impartiality and confidentiality they sign before the discussions start. The Chairman ensures that the signed Declarations, also his/her own, are collected and

that persons declaring conflict of interest are excluded from the discussions and voting. The Chairman to the best of his/her knowledge, is obliged to ensure that possible risks of conflict of interest are mitigated during the debate and voting.

4. Decisions of the Committee shall enter into force on the day of their adoption.

§ 5

Organisation of Small Project Fund Committee meetings

1. The meetings of the Committee take place in the SPF area.
2. The logistical and organisational side and all costs concerning the preparation and organisation of the meetings of the Committee and activities related to the meetings (e.g. room rental, translations, catering) shall be financed from the SPF Beneficiary's budget.
3. Other expenses related to participation in the meetings of the Committee, including travel, accommodation, per diem, etc., shall be covered by the institutions/organisations appointing the members/observers of the Committee.
4. The Chairman of the Committee shall send an invitation to the Committee meeting by e-mail up to 21 calendar days before the scheduled meeting, indicating the date and place of the planned meeting and the agenda.
5. Information on the dates of the Committee meetings is published on the SPF Beneficiary's website.
6. The members of the Committee may request changes to the agenda. Such request must be sent to the Chairman of the Committee at least 14 calendar days before the scheduled meeting. The Chairman of the Committee decides on an amendment to the agenda and informs the members of the Committee at least 7 calendar days before the scheduled meeting. During the meeting, the Chairman of the Committee may propose additional items for discussion, if such change is justified. The final agenda is approved by the Committee at the beginning of the meeting.
7. The SPF Beneficiary shall ensure that key documents for discussion of the issues on the agenda (e.g. ranking list with small projects ranked by score, applications and expert assessment sheets) are available to the members of the Committee at least 14 calendar days before the scheduled meeting. Documentation of small projects submitted to the SPF Beneficiary during a given call for proposals is available to the members of the Committee in electronic form.
8. The meetings of the Committee are not open to the public.
9. Each participant in a meeting of the Committee signs the Declaration of impartiality and confidentiality at the beginning of each Committee meeting (Annex 1) and is

obliged to respect the Committee Regulations. The declarations are kept by the SPF Beneficiary.

10. The Committee considers the projects recommended for co-financing by the Panel of Experts in a given call. The Committee members decide whether to approve or reject the projects based on the ranking list prepared by the SPF Beneficiary, the funds available in a given call, and having a full insight into the documentation of the applications recommended for co-financing. Furthermore, the Committee can decide to create a reserve list of projects.
11. The SPF Beneficiary prepares minutes of the meetings of the Committee, which include, inter alia, information on the decisions taken and the list of small projects selected and approved for implementation (basic and reserve list). The minutes shall be drawn up in the official language of the programme: English. Draft minutes are received by the participants of the Committee by e-mail within 14 calendar days after the end of the meeting. Requests and comments on the minutes are submitted to the SPF Beneficiary by the same means within 7 calendar days of receipt of the draft minutes.

If no comments are received, the draft minutes of the meeting are considered approved. The revised version of the minutes, approved by the Chairman of the Small Projects Committee, is sent to the members of the Small Projects Fund Committee. Information on the Committee's decisions is posted on the SPF Beneficiary's website.
12. Decisions of the Committee that are of direct relevance to applicants or beneficiaries shall be communicated to them in writing by the SPF Beneficiary by e-mail or post.
13. As a rule, as early as the next working day, but no later than three working days after the meeting of the Committee, during which small projects were approved, the lists of projects selected for funding (basic and reserve, if created) are published on the SPF Beneficiary's website.
14. The deadlines set out above are subject to change where appropriate.

§ 6

Written procedure

1. Between each meeting of the Committee, the Committee Chairman can decide, on his own initiative or upon a reasoned request from a voting member of the Committee, to launch the written procedure². The written procedure is carried out electronically by the SPF Beneficiary.

² The written procedure for the approval of small projects can only be initiated in exceptional situations where it is not possible to organise a desktop or remote/hybrid meeting.

2. In the event that a request for the written procedure with a written justification is submitted by a member of the Committee, the decision to refer this request to the written procedure shall be taken by the Chairman of the Committee.
3. The documents necessary for the decision of the members of the Committee by the written procedure shall be sent electronically by the Beneficiary together with the information about the start of the written procedure. In the case of a vote on small projects, the documents will also be accompanied by the impartial opinion of the SPF Beneficiary on the issue in question.
4. The position of each member of the Committee must be communicated to the Chairman within 7 calendar days from the date of the written procedure. Failure of a member of the Committee to reply or to send in his/her vote within the time limit is equivalent to non-participation in the vote.
5. Voting is conducted in the same way as during the meetings of the Committee. Decisions are taken by a simple majority with at least half of the members entitled to vote present. In the absence of a quorum, the procedure remains undecided. When the number of votes is equal, the result of the voting is decided by the Chairman of the Committee after consulting the representative of the Managing Authority and the National Authority.
6. In exceptional cases, when neither a member of the Committee nor his/her alternate can cast his/her vote by written, he/she may authorise another person to do so by immediately informing the Committee Chairman.
7. The result of the vote of the members of the Committee shall be communicated electronically by the SPF Beneficiary .
8. The decision of the Committee taken by the voting procedure shall enter into force as of the date of completion of the voting.
9. Decisions of the Committee that are of direct relevance to applicants or beneficiaries shall be communicated to them in writing by the SPF Beneficiary by e-mail or post.
10. As a rule, as early as the next working day, but no later than three working days after the end of the written procedure in which small projects were approved, lists of projects selected for funding (basic and reserve, if created) are published on the website of the SPF Beneficiary.
11. The deadlines set out above are subject to change where appropriate.
12. The rules set in paragraph 4 point 3 apply accordingly. The SPF beneficiary ensures the procedure for collecting Declarations of impartiality in case written procedure applies.

§ 8

Supporting the work of the Small Project Fund Committee

1. The SPF Beneficiary shall provide in a timely manner all information necessary for the Committee to carry out its tasks and ensure the follow-up of the decisions and recommendations of the Committee.
2. The SPF Beneficiary shall keep *a Register of decisions of the Small Project Fund Committee* and maintain documentation related to the work of the Committee.

§ 9

Official languages

1. The official language of the Small Projects Fund Committee is English. The Committee's work can be conducted in Polish and Ukrainian with simultaneous interpreting, but the official documents of the Committee should be prepared in English.

§ 10

Approval of the Rules of Procedure and amendments thereto

1. *The Rules of Procedure* are annexed to the *Manual for small projects*, which is approved by the Managing Authority of the Interreg NEXT Poland-Ukraine 2021-2027 Programme.
2. Any amendments to *the Rules of Procedure* shall be made with the consent of the Managing Authority/National Authority under pain of nullity.
3. The Rules of Procedure shall enter into force on the date of their approval.
4. The rules of procedure of the Committee with the list of members are published on the SPF Beneficiary's website.

On behalf of the SPF Beneficiary

Name:

Signature:

Place and date:

Appendices:

1. declaration of impartiality and confidentiality

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Annex No. 1 to the Rules of Procedure of the Small Project Fund Committee

DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY

I, the signatory _____

have been appointed by _____

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

I declare that I undertake to comply with the provisions concerning conflict of interests stipulated in Article 61 of the Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast):

„1. Financial actors and other persons, including national authorities at any level, involved in budget implementation under direct, indirect and shared management, including acts preparatory thereto, audit or control, shall not take any action which may bring their own interests into conflict with those of the Union. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interests.

2. Where there is a risk of a conflict of interests involving a member of staff of a national authority, the person in question shall refer the matter to his or her hierarchical superior. Where such a risk exists for staff covered by the Staff Regulations, the person in question shall refer the matter to the relevant authorising officer by delegation. The relevant hierarchical superior or the authorising officer by delegation shall confirm in writing whether a conflict of interests is found to exist. Where a conflict of interests is found to exist, the appointing authority or the relevant national authority shall ensure that the person in question ceases all activity in the matter. The relevant authorising officer by

delegation or the relevant national authority shall ensure that any further appropriate action is taken in accordance with the applicable law, including, in the cases involving a member of staff of a national authority, with the national law relating to conflict of interests.

3. For the purposes of paragraph 1, a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest”;

I confirm that I have read the Rules of Procedure of the Small Project Fund Committee of the Interreg NEXT Poland - Ukraine 2021-2027 Programme and the available information on the programme.

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 Small Project Fund Committee Chairman and to the minutes of the Small Project Fund 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 Small Project Fund 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 Small Project Fund Committee Chairman has the right to demand my resignation of the Small Project Fund 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: _____

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|---|--|
| In case of conflict of interest, please indicate title, small project number and name of small project Lead Beneficiary/small project Beneficiary | |
| Small project title and number | |
| Name of small project Lead Beneficiary/small project Beneficiary | |

** delete as appropriate*