

Administrative structures

The member states – based on an agreement in partnership between the participating authorities in Austria and in the Czech Republic – designate the following authorities for the implementation of the programme according to Article 59 Council Regulation No 1083/2006 and Article 14 Council Regulation No 1080/2006:

Managing Authority (MA)

The Czech and Austrian programme partners agree that the responsibility of the Managing Authority (MA) within the meaning of Article 12 (8) Council Regulation No 1080/2006 and according to Article 59 Council Regulation No 1083/2006 will be given to the

Office of the Government of Lower Austria
Department of Spatial Planning and Regional Policy
Landhausplatz 1, A-3109 St. Pölten

According to Article 60 Council Regulation No 1083/2006 and to Article 15 Council Regulations No 1080/2006 the Managing Authority is responsible for managing and implementing the operational programme in accordance with the principle of sound financial management, in particular:

- Ensure that operations are selected for funding in accordance with the criteria applicable to the operational programme and that they comply with applicable Community and national rules for their whole implementation period
- Ensure that there is a system to record and store computerised accounting records of each operation and that the necessary data for financial management, monitoring, verifications, audits and evaluation is collected
- Ensure that beneficiaries and other bodies involved in the implementation of operations maintain either a separate accounting system or an adequate accounting code for all transactions relating to the operation without prejudice to national accounting rules
- Ensure that the evaluations of operational programmes referred to in Article 48(3) Council Regulation No 1083/2006 are carried out in accordance with Article 47 Council Regulation No 1083/2006
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- Set up procedures to ensure that all documents regarding expenditure and audits required are collected to ensure an adequate audit trail to be held in accordance with the requirements of Article 90 Council Regulation No 1083/2006
- Ensure that the certifying authority shall receive all necessary information on the procedures and verifications carried out in relation to expenditure for the purpose of certification
- Guide the work of the Monitoring Committee and provide the documents required to permit the quality of the implementation of the operational programme to be monitored in the light of its specific goals
- Draw up and submission of the annual and final reports on implementation to the Commission

- Information about the programme and ensuring compliance with the information and publicity requirements laid down in Article 69 Council Regulation No 1083/200

Further responsibilities are:

- Lead the work of the Joint Technical Secretariat (JTS)
- Confirm operations (supported only by national financial means) that are selected outside the programme area in accordance with Article 21 Council Regulation No 1080/2006
- Contract ERDF with the lead beneficiaries with a standard frame contract
- Collect the interim and final reports of the certified statements of expenditure from the lead beneficiaries and submission of the cost statement to the Certifying Authority

Joint Technical Secretariat

According to Article 14 (1) Council Regulation No 1080/2006 the Managing Authority sets up a Joint Technical Secretariat, which works on behalf of the Managing Authority. The Joint Technical Secretariat supports the Managing Authority, the Monitoring Committee (which includes representatives of the National Authority, Regional bodies etc.) and, when appropriate, the Audit Authority.

The JTS in particular is responsible for the following joint tasks:

- Secretariat function for the Monitoring Committee including the preparation and mailing of the documentation and the minutes of meetings [in two or more languages if required]
- Draw up reports on the programme implementation (in English)
- Publicity and information tasks (including creation, maintenance and updating of a programme website) in close co-operation with the MA, national authorities (NA) and regional bodies.
- Management of the Central Monitoring System, maintenance and update of data in the CMS
- Registration of submitted operations and their uploading into the Central Monitoring System
- Assessment of project applications with support of the Regional bodies
- Preparation of documentation of the results of assessment and suggestion for decision of the Monitoring Committee
- Preparation of Monitoring Committee meetings
- Information of the lead beneficiary on the results of the Monitoring Committee including the conditions formulated
- Preparation of ERDF contracts, monitoring the project progress and check the project progress reports (in terms of content and financial conformity with ERDF-contract)
- Receiving information concerning changes on operations and preparation of changes of ERDF-contracts
- Give support and guidance to potential applicants and to ongoing projects

Certifying Authority (CA)

In accordance with Article 61 Council Regulation No 1083/2006 and Articles 14 (1) and Article 17 (2) Council Regulation No 1080/2006 the function of the Certifying Authority is carried out by the

Federal Chancellery of the Republic of Austria

Division IV/4

Ballhausplatz 2, A-1014 Wien

On behalf of the certifying authority the operative tasks according to Article 61 Council Regulations No 1083/2006 are performed by

European Recovery Programme (ERP) Fund

Ungargasse 37, A-1031 Wien

Towards the European Commission the Federal Chancellery keeps fully responsible and represents the certifying authority amongst others by signing the certified statements of expenditure and applications for payment.

Audit Authority (AA)

Within the meaning of Article 62 Council Regulation No 1083/2006 and according to Article 14 (2) Council Regulation No 1080/2006 the function of a Audit Authority responsible for verifying the effective functioning of the management and control system shall be carried out by the

Federal Chancellery of the Republic of Austria

Division IV/3

Ballhausplatz 2, A-1014 Wien

Within the meaning of Article 14 (2) Council Regulation No 1080/2006 the Audit Authority of the operational programme shall be assisted by a group of auditors comprising a representative of each Member State participating in the operational programme and carrying out the duties provided for in Article 62 Regulation No 1083/2006. The group of auditors shall be set up at the latest within three months of the decision approving the operational programme. It shall draw up its own rules of procedure. The Audit Authority for the operational programme shall chair it.

The audit authority ensures that the audit work takes account of internationally accepted audit standards. The audit authority is functionally independent from the Division IV/4 of the Federal Chancellery acting as certifying authority. Furthermore the audit authority is neither involved in programme management nor in the implementation of any operation.

National Authority (NA)

The National Authority supports the Managing Authority in coordination of activities in the Czech Republic. The MA shall be assisted by

Ministry for Regional Development of the Czech Republic

Staroměstské náměstí 6, CZ-110 05 Praha 1

Regional bodies (RB)

Regional bodies contribute to the programme by:

- Publicity and information tasks as well as guidance to potential applicants
- Advice on application procedures together with the JTS

After registration of the application in the Central Monitoring System by JTS, Regional Bodies will support the JTS concerning:

- o Compliance with regional policy strategies and fulfilment of organisational, legal, technical and economic requirements and expected outputs of operations
- o Quality, cross border cooperation and cross border impact

Neighbouring Regional Bodies will elaborate these comments jointly.

Regional Bodies (RB) in the Programme are:

AUSTRIA

Office of Government of Lower Austria

Department of Spatial Planning and Regional Policy, Unit for EU Regional Policy

Landhausplatz 1, A-3109 St. Pölten

Office of Government of Upper Austria

Department of Spatial Planning

Division for Co-ordination of EU Regional Policies,

Bahnhofplatz 1, A-4021 Linz

Office of Government of Vienna

Department for EU-Strategies and Economic Development

Unit for EU-Funding

Schlesingerplatz 2, A-1080 Wien

CZECH REPUBLIC

The Authority of South Moravia Region

Department of Regional Development

Zerotínovo nám. 3/5, CZ – 601 82 Brno

The Authority of Vysočina Region
Department of Regional Development
Žižkova 57, CZ – 587 33 Jihlava
Office: Žižkova 16, Jihlava

The Authority of South Bohemian Region
Department of Grants and European Integration
U Zimního stadionu 1952/2, CZ – 370 76 České Budějovice

Central Monitoring System (CMS)

According to Article 60 lit. c Council Regulation No 1083/2006 the Managing Authority shall ensure a system to record and store computerised accounting records of each operation. For the collection of data a Central Monitoring System has been established at the

ERP Fund

Ungargasse 37, A-1030 Wien

Each individual operation will be mapped by the IT-system according to a specific data set. This data set, which has to be collected at the level of individual operations, will be agreed between programme partners before implementation of the programme starts. It will not only include obligatory information according to Commission Regulation (EC) No 1828/2006 (setting out rules for the implementation) but additionally provide information in order to support optimal implementation of the operational programme and for evaluation purposes.

Data will be reported to the CMS by the JTS under the responsibility of the MA.

Data sent by JTS to the CMS shall be considered as official data used for certificate and statement of expenditure, application for payment, annual reports on implementation, evaluations, audits of operations etc.

Monitoring data shall be made available by the CMS to the MA, NA, CA, AA, RBs, controllers and the European Commission. By means of CMS the necessary information for electronic data transfer will be generated as well.

Control System

According to Article 16 Council Regulation 1080/2006 each member state of the programme will establish a control system to verify the delivery of the products and services co-financed. Each Member State designates the controllers responsible to verify the legality and regularity the expenditure declared by each beneficiary in the operation.

The responsibility is given to:

- Czech Republic:

Centre for Regional Development of the Czech Republic
Vinohradská 46, 120 00 Praha 2

- Austria:

In general the responsibility for controlling according to Article 16 (1) (EC) 1080/2006 will be - according to a Federal Constitutional Act, based on Art. 15a B-VG – taken over by the following authorities in the Länder (for project partners coming from their respective Land):

Office of Government of Lower Austria
Division of Spatial Planning, Environment and Transport
Landhausplatz 1, A-3109 St. Pölten

Office of Government of Upper Austria
Department of Spatial Planning
Technical Audit
Bahnhofplatz 1, A-4021 Linz

Office of Government of Vienna
Department for EU-Strategies and Economic Development
Unit for Finance and Financial Control
Schlesingerplatz 2, A-1080 Wien

In exceptional cases, the controlling according to Article 16 (1) (EC) 1080/2006 can be delegated to another experienced authority – based on the provisions of the Federal Constitutional Act according to Art. 15a B-VG. Responsible controllers for each project partner will be fixed in the ERDF contract.

These bodies ensure validation of expenditure in terms of delivery of products and services co-financed, soundness of the expenditure declared compliance of such expenditure with Community and national rules as set out in Article 16 (1) Council Regulation No 1080/2006. The controllers ensure, amongst others, that for each interim or final report of an operation, detailed and consistent reports are made available, which allow a clear identification of and consistency with the related certifications of expenditure.

The Managing Authority sets out written standards and procedures for the controllers, in order to comply with the requirements as described in Article 16 (1) Council Regulation No 1080/2006. By means of these standards and procedures should be ensured that the programme's control system could verify whether

- The expenditure declared is real
- Co-financed products and services have been delivered in accordance with the ERDF contract
- Applications of reimbursement by the beneficiary are correct
- Operations and expenditures comply with community and national rules (e.g. public procurement, state aid)
- Double financing of expenditures with other Community or national schemes and with other programming period is avoided
- Verifications follow the procedures laid down in article of implementation guideline

A detailed description of the control system will be provided through the description of the management and control system as requested by Article 71 Council Regulation No 1083/2006. In case where institutions appointed as regional bodies will be entrusted with tasks of financial control according to Article 16 Council Regulation 1080/2006, a clear separation of responsibilities between RB and controller will be ensured.

With reference to Article 3 (1) Regulation (EC) 2035/2005 all relevant programme bodies will provide quarterly reports on irregularities occurred to the Audit Authority, which will submit a report to the European Commission.

The member states will set up a formalised procedure to deal with irregularities in compliance with the provisions of Regulation (EC) 2035/2005. This procedure will – amongst others – set out detailed rules and responsibilities for reporting obligations, joint controlling standards, recovery of unduly paid funds, liabilities and coordination between the responsible authorities on either side.

Bodies to support the implementation and the selection of operations

The constitution of the bodies mentioned and the distribution of voting rights shall be agreed on by mutual consensus by the Austrian and Czech programme partners.

Monitoring Committee (MC)

The tasks of the Monitoring Committee are laid down in Article 65 Council Regulation No 1083/2006. According that the Monitoring Committee shall satisfy itself as to the effectiveness and quality of the implementation of the operational programme, in accordance with the following provisions:

- a) It shall consider and approve the criteria for selecting the operations financed within six months of the approval of the operational programme and approve any revision of those criteria in accordance with programming needs
- b) It shall periodically review progress made towards achieving the specific targets of the operational programme on the basis of documents submitted by the Managing Authority
- c) It shall examine the results of implementation, particularly achievement of the targets set for each priority axis and the evaluations referred to in Article 46 (3)

- d) It shall consider and approve the annual and final reports on implementation referred to in Article 66
- e) It shall be informed of the annual control report, or of the part of the report referring to the operational programme concerned, and of any relevant comments the Commission may make after examining that report or relating to that part of the report
- f) It may propose to the Managing Authority any revision or examination of the operational programme likely to make possible the attainment of the funds' objectives referred to in Article 3 or to improve its management, including its financial management;
- g) It shall consider and approve any proposal to amend the content of the Commission decision on the contribution of the funds

The Monitoring Committee is the only body within the programme responsible for a final selection of operations to be supported. Within the meaning of Article 11 Council Regulation No 1083/2006, a partnership involving competent regional authorities, economic and social partners and any other appropriate body covers the monitoring of the OP. The composition of the Monitoring Committee is determined in accordance with the provision of Article 64 Council Regulation No 1083/2006. The Monitoring Committee adopts its rules of procedure in agreement with the Managing Authority in order to exercise its missions in accordance to the present regulation.