



## JOINT STRUCTURES OF CO-OPERATION AND FINANCIAL MANAGEMENT FOR THE IMPLEMENTATION OF THE CBC-PROGRAMME SLOVAKIA-AUSTRIA

References to new Structural Funds Regulations included in this chapter are related to the following Regulations:

- Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, hereafter referred to as **General Regulation (EC) No 1083/2006**;
- Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999, hereafter referred to as **ERDF Regulation (EC) 1080/2006**;
- Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) of the European Parliament and of the Council on the European Regional Development Fund, hereafter referred to as **Implementing Regulation (EC) No 1828/2006**;
- Commission Regulation (EC) No 2035/2005 of 12 December 2005 amending Regulation (EC) No 1681/94 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field.

### Organisational structures of the programme implementation (functional organisation)

#### Administrative structures (Implementing Bodies)

Monitoring Committee	Representatives of all regions and relevant federal institutions involved in the programme
Managing Authority	City of Vienna, Department for EU Strategy and Economic Development
Certifying Authority	Federal Chancellery Austria; Division IV/4 supported by ERP-Fund
Joint Technical Secretariat	Staff integrated in the institutional structure of the Managing Authority
Regional Co-ordinators	Regional representatives of Bratislava, Burgenland, Lower Austria, Trnava, Vienna
Audit Authority	Federal Chancellery Austria; Division IV/3 (in cooperation with the Ministry of Finance of the Slovak Republic)



## **Monitoring Committee (MC)**

In accordance with Article 63 of the General Regulation (EC) No 1083/2006, the Member States participating in the programme shall set up a joint Monitoring Committee, in agreement with the Managing Authority, within three months starting from the date of the notification of the Commission's decision approving the programme to the Member States. The Monitoring Committee shall be chaired by the Managing Authority. Decisions by the Monitoring Committee shall be made by consensus among the Monitoring Committee members and may be taken via written procedure.

The Monitoring Committee shall satisfy itself as to the effectiveness and quality of the implementation of the operational programme according to Article 66(1) of the General Regulation (EC) No 1083/2006 and provide all tasks laid down in Article 65 of the General Regulation (EC) No 1083/2006.

Furthermore the Monitoring Committee shall

- approve the Application Package before the first Call for Proposals is launched. Any amendments to the application package shall be prepared by the Joint Technical Secretariat and approved by the Monitoring Committee;
- be informed of the annual and final reports and of any relevant comments the Commission may make after examining that report;
- select operations for funding (according to Article 19(3) of the ERDF Regulation (EC) No 1080/2006);
- decide on operation changes;
- decide on the introduction of thematic Calls for Proposals in case that one priority is not used well and innovative ideas and inputs for operations in specific fields are needed;
- if needed set up additional working groups for specific tasks.

## **Responsibility of Member States**

According to Article 70 of the General Regulation (EC) No 1083/2006, the Member States are responsible for the management and control of the Programme, in particular through ensuring that management and control systems are set up in accordance with Article 58 and 62 of the General Regulation (EC) No 1083/2006 and in accordance with Article 13 to 17 of ERDF Regulation (EC) No 1080/2006 and function effectively.

They lay down rules governing their relations with authorities located on their territory and being involved in implementation of the programme. For the Cross-border Co-operation Programme Austria – Slovakia 2007-2013 the Member States are represented by the following authorities on national level:

Slovak Republic  
*Ministry of Construction and  
Regional Development  
Prievozská 2/B  
825 25 Bratislava 26*

Austria  
*Federal Chancellery  
Division IV/4  
Ballhausplatz 2  
1014 Wien*



The Slovak Ministry of Construction and Regional Development shall assist the Managing Authority in fulfilling the daily task in implementing the operational programme. In particular it will be responsible for:

- preparation of the contracts for national co-financing of the Slovak Lead Partners and Project Partners;
- co-ordinating the Slovak Regional Co-ordinators. The tasks of regional bodies on the Slovak side will be laid down in the agreement between the Ministry of Construction and Regional Development and the relevant regional bodies and forwarded to the Managing Authority for information including any changes that may occur during the programme implementation period;
- ensuring that all relevant data on implementation necessary for financial management, monitoring, verifications, audit and evaluation will be collected in close coordination with the Managing Authority.

The Member States will ensure that the below mentioned authorities will have access to all information required to discharge their responsibilities. The Member States – based on an agreement in partnership between the participating authorities in the Slovak Republic and in Austria designate the following authorities for the implementation of the programme according to Article 59 of the General Regulation (EC) No 1083/2006 and Article 14 of ERDF Regulation (EC) No 1080/2006:

### **Managing Authority (MA)**

In line with Article 59(1) of the General Regulation (EC) No 1083/2006 and Article 14 of the ERDF Regulation (EC) No 1080/2006, the Member States agreed that the responsibility of the Managing Authority is carried out by:

*Amt der Wiener Landesregierung,  
MA27 EU-Strategie und Wirtschaftsentwicklung  
Schlesingerplatz 2-4, A-1080 Vienna  
Austria.*

According to Article 15 of the ERDF Regulation (EC) No 1080/2006 the Managing Authority shall be responsible for managing and implementing the operational programme in accordance with the principle of sound financial management and fulfil the tasks laid down in Article 60 of the General Regulation (EC) No 1083/2006.

Furthermore the Managing Authority shall:

- lay down the implementing arrangements for each operation (ERDF subsidy contract with the Lead Partners with a standard frame contract) in agreement with the Lead Partner according to Article 15(2) of the ERDF Regulation (EC) No 1080/2006;
- inform the Monitoring Committee of the comments made by the Commission after the annual examination of the programme as defined in Article 67 of the General Regulation (EC) No 1083/2006;
- collect the interim and final reports of the certified statement of expenditure from the Lead Partners and submit the payment claims to the Certifying Authority.



In accordance with Article 59(3) of the General Regulation (EC) No 1083/2006, the Managing Authority shall carry out its tasks in full accordance with the institutional, legal and financial systems of Austria.

Although the Managing Authority bears overall responsibility for the programme, specific tasks related to the operative management of the Joint Technical Secretariat and Technical Assistance (e.g. employment, contracting, payments) can be delegated to a subsidiary body of the City of Vienna.

### **Joint Technical Secretariat (JTS)**

According to Art. 14(1) of the ERDF Regulation (EC) No 1080/2006 the Managing Authority shall set up a Joint Technical Secretariat for support to the Managing Authority and the Monitoring Committee, and, where appropriate the Audit Authority.

The Joint Technical Secretariat shall be incorporated in the institutional structure of the Managing Authority and located at the same place, that is Vienna. In order to ensure presence for Slovak Lead Partners and Project Partners as well as for Slovak Regional Co-ordinators, staff of the Joint Technical Secretariat shall have regularly presence in Slovakia. Therefore a working place shall be set up within the Ministry of Construction and Regional Development of the Slovak Republic in Bratislava. All staff of the Joint Technical Secretariat shall be contracted by the Managing Authority.

The Joint Technical Secretariat shall be responsible for the following day-to-day operational tasks:

- (a) Assisting the Managing Authority to organise the Monitoring Committee and provide it with the documents required to permit the quality of the implementation of the operational programme to be monitored in the light of its specific goals by:
  - organising the Monitoring Committee meetings,
  - preparing the documentation before and minutes after the meetings,
  - informing the LPs on the results of the Monitoring Committee decisions,
  - confirming the fulfilment of conditions and fulfilling the administrative management of external tasks and services, e.g. interpreting and translation services;
- (b) Assisting the Managing Authority and Monitoring Committee to 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 the whole of their implementation period by participating in the evaluation of the applications along defined eligibility and selection criteria;
- (c) Providing technical support to selected Lead Partners during the whole operation implementation process and keeping contact with the involved Regional Co-ordinators;
- (d) Assisting the Managing Authority to ensure that there is a system for recording and storing accounting records in computerised form for each operation under the operational programme and that the data on implementation necessary for financial management, monitoring, verifications, audits and evaluation are collected by administrating and updating the Central Monitoring System (for the fulfilment of this task the Joint Technical Secretariat shall be assisted by the Regional Co-ordinators);
- (e) Assisting the Managing Authority to set up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in



accordance with the requirements of Article 90 of the General Regulation (EC) No 1083/2006 by:

- collecting progress reports from the Lead Partners,
  - assessing the implementation of operations and coordinating the monitoring inputs of Regional Co-ordinators and
  - drawing up reports on the programme implementation;
- (f) Assisting the Managing Authority to draw up and, after approval by the Monitoring Committee, submit to the Commission the annual and final reports on implementation by providing financial and statistical data;
- (g) Assisting the Managing Authority to ensure compliance with the information and publicity requirements laid down in Article 69 of the General Regulation (EC) No 1083/2006 by:
- running and updating a programme website,
  - organising information events promoting the programme, including the implementation of a coherent PR-strategy together with the Managing Authority and the Regional Co-ordinators,
  - preparing an Application Package and standardised ERDF subsidy contracts in consultation with the Regional Co-ordinators, and
  - organising partner search forums, regional info events etc. in co-operation with the Regional Co-ordinators.

Further, the Joint Technical Secretariat shall assist the Audit Authority:

- in organising Financial Control Group meetings;
- by sending the relevant documents before and the minutes after the meeting to the Financial Control Group.

Tasks and responsibilities of the Joint Technical Secretariat will be laid down in Rules of Procedures in agreement with the Managing Authority.

### **Certifying Authority (CA)**

According to Article 14 of the ERDF Regulation (EC) No 1080/2006 the programme partners agreed that the function of the Certifying Authority within the meaning of Article 59(1) lit. b of the General Regulation (EC) No 1083/2006 shall be carried out by

*Federal Chancellery of the Republic of Austria  
Division IV/4 – Coordination Spatial Planning and Regional Policy  
Ballhausplatz 2, A-1014 Vienna  
e-mail: iv4@bka.gv.at*

The functions and responsibilities of the Certifying Authority are laid down in Article 61 of the Council Regulation (EC) No 1083/2006. The Certifying Authority is additionally responsible for:

- according to Article 14 (1) of ERDF Regulation (EC) No 1080/2006 it receives payments made by the Commission and, as a general rule, shall make the payments to the Lead Partner;
- according to Article 17 (2) of ERDF Regulation (EC) No 1080/2006 ensures that any amount paid as a result of an irregularity is recovered from the Lead Partner;



- at the latest by 30 April every year, sending the Commission a provisional forecast of its likely payment applications for the current financial year and the subsequent financial year (according to Article 76(3) of the General Regulation (EC) No 1083/2006);
- posting any interest generated by the pre-financing (according to Article 83 of the General Regulation (EC) No 1083/2006) to the programme, being regarded as resource for the Member States participating in the programme as national public contribution. It shall be declared to the Commission at the time of the final closure of the programme (according to Article 84 of the General Regulation (EC) No 1083/2006);

On behalf of the Certifying Authority the above listed operative tasks are performed by

*ERP Fund*

*Ungargasse 37, A-1031 Wien*

*E-mail: monitoring2007@awsg.at*

Towards the European Commission the Federal Chancellery of the Republic of Austria 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 of Council Regulation (EC) No. 1083/2006 and according to Article 14 (2) of ERDF Regulation (EC) No 1080/2006 the function of the Audit Authority responsible for verifying the effective functioning of the management and control system shall be carried out by:

*Federal Chancellery of the Republic of Austria*

*Division IV/3*

*Ballhausplatz 2,*

*A-1014 Vienna*

*e-mail: iv3@bka.gv.at*

In close cooperation with the relevant body on the Slovak side:

*Ministry of Finance of Slovak republic*

*Štefanovičova 5*

*817 82 Bratislava*

*Slovakia*

The responsibilities of the Audit Authority are laid down in Article 62 of General Regulation (EC) No 1083/2006.

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

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 of the Republic of Austria acting as Certifying Authority. Furthermore the Audit



Authority is neither involved in programme management nor in the implementation of any single operation.

### **Regional Co-ordinators (RC)**

Each region shall set up an information point where Regional Co-ordinators promote the programme according to the cross-border and regional development strategies and the broad operation and programme implementation. The Regional Co-ordinators for the cross-border programme AT-SK shall be:

#### **Austria**

*Regionalmanagement Burgenland GmbH  
Technologiezentrum Eisenstadt  
Marktstraße 3, A-7000 Eisenstadt*

*Amt der Wiener Landesregierung  
MA 27 – EU-Strategie und Wirtschaftsentwicklung  
Schlesingerplatz 2, A-1080 Wien*

*Amt der Niederösterreichischen Landesregierung  
Abt. Raumordnung und Regionalpolitik, Geschäftsstelle für EU-Regionalpolitik  
Landhausplatz 1, A-3109 St. Pölten*

#### **Slovakia**

*Úrad Bratislavského samosprávneho kraja  
Sabinovská 16, 820 05 Bratislava*

*Úrad Trnavského samosprávneho kraja  
Starhájaska 10, 917 01 Trnava*

The Regional Co-ordinators shall be involved in the operation development, operation implementation and dissemination of operation results. Due to their regional acceptability and role as an anchorage transferring know how from the current cross-border programme, Regional Co-ordinators shall leverage the broad effect, reception and visibility of the programme in their regions.

They contribute to enhancement of the interface between the Lead Partners and the Joint Technical Secretariat and guide the Lead Partners and Project Partners through the application phase and supporting them in the implementation process.

The specific tasks of the Regional Co-ordinators shall include the following:

- (a) Assisting the Managing Authority and Joint Technical Secretariat in assuring the compliance with the information and publicity requirements laid down in Article 69 of the General Regulation (EC) No 1083/2006 by:
  - organising information events promoting the programme, including the implementation of a coherent PR-strategy together with the Managing Authority and the Joint Technical Secretariat,
  - contributing to the development of an Application Package developed by the Joint Technical Secretariat,
  - organising partner search forums, regional info events etc. in co-operation with the Joint Technical Secretariat, and



- disseminating the outcomes of the operations (overview on regional operations, operation results according to cross-border and regional objectives, awareness raising of EU-funding etc.);
- (b) Providing support to the Lead Partners and Project Partners (regarding eligibility, content, financial advice etc.) from the first operation idea to the final application according to EU regulations and administrative structures within the programme;
- (c) Participation in a Regional Co-ordinator network for information exchange and discussion on the upgrading of the operation quality of operations in preparation;
- (d) Contributing to the process of assessment of submitted applications – to be organised and monitored by the Joint Technical Secretariat – by giving inputs concerning regional strategies, cross-border impact and adequacy of the partnership;
- (e) Supporting the Managing Authority by presenting formally submitted operations in the Monitoring Committee meeting;
- (f) Supporting the control system in the meaning of Article 16 of ERDF Regulation (EC) No 1080/2006
  - by verifying that the data on implementation necessary for financial management, monitoring, verification, audit and evaluation are collected,
  - by ensuring that adequate financial control structures are set up on regional level,
  - by following continuously the operation progress (operation activities, events etc.) and being responsible for providing and verifying information and data for the evaluation of operation progress reports and by verifying individual operations on-the-spot;
- (g) Organising capacity building and qualification (joint training regarding the enhancement in operation management etc.) for the Lead Partners and Project Partners as well as for Regional Co-ordinators in co-operation with the Joint Technical Secretariat;
- (h) Supporting the Managing Authority and the Joint Technical Secretariat so they are able to fulfil their tasks in the set timeframe.

### **Central Monitoring System (CMS)**

Within the meaning of Article 60 lit. c of Council Regulation (EC) No 1083/2006 the Managing Authority shall ensure that there is a system for recording and storing in computerised form accounting records for each operation. For the collection of data a Central Monitoring System has been established at the

*ERP Fund*

*Ungargasse 37, A-1030 Wien*

*E-mail: [monitoring2007@awsg.at](mailto:monitoring2007@awsg.at)*

Each individual operation will be mapped by the IT-system according to a specific data set. This set of data collected at the level of individual operations, will be agreed between programme partners before implementation of the programme starts. It will not include only obligatory information according to Commission Regulation (EC) No 1828/2006 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. The JTS will be supported with relevant information provided by the Regional Coordinators. The reporting RCs are responsible for the correctness and



completeness of data sent to the JTS. The integration of data into the CMS and their maintenance and updating is done by the JTS. The MA confirms the correctness of data that is reported to the CMS.

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, Member States, CA, AA, RCs and the European Commission. By means of CMS the necessary information for electronic data transfer will be generated as well.

## **Financial control**

Considering the value of the principles of subsidiarity and proportionality the Member states involved in the Cross-border Cooperation Programme Austria-Slovakia shall have the primary responsibility for the control of the interventions. In order to ensure the effectiveness, legality and sustainable impact of ERDF co-financed operations within the time period and the area of the cross-border programme, the members of the programming group agreed on setting up a proper functioning control system. In light of sound cooperation both with the Commission and between the bodies involved in the programme, uniform quality standards for the certification of expenditures and of payments shall be guaranteed and will contribute to a smooth management of the programme.

## **Certification of expenditure**

According to Article 16(1) of the ERDF Regulation (EC) No 1080/2006 each Member State shall set up a control system making it possible to verify the delivery of the products and services co-financed, the soundness of the expenditure declared for operations or parts of operations implemented on its territory, and the compliance of such expenditure and of related operations, or parts of those operations, with Community and its national rules.

For this purpose each Member State designates controllers responsible for verifying the legality and regularity of the expenditure declared by each beneficiary (Lead Partner or Project Partner) participating in the operation.

The responsibility is given to:

- in the Slovak Republic

*Ministry of Construction and Regional Development of Slovak Republic  
Regional Development Support Agency  
Prievozská 2B  
825 25 Bratislava 26  
E-mail: [interreg@build.gov.sk](mailto:interreg@build.gov.sk)*

- in Austria

According to a Federal Constitutional Act, based on Art. 15a B-VG – the responsibility is taken over by the following authorities in the Länder:

*Controlling Department of the Regionalmanagement Burgenland GmbH  
Technologiezentrum Eisenstadt  
Marktstraße 3, A-7000 Eisenstadt*



*Amt der Wiener Landesregierung,  
MA 27 EU-Strategie und Wirtschaftsentwicklung,  
Dezernat Ausgabenkontrolle  
Schlesingerplatz 2-4, A-1080 Wien*

*Amt der Niederösterreichischen Landesregierung,  
Gruppe Raumordnung, Umwelt und Verkehr  
Landhausplatz 1, A-3109 St. Pölten*

In exceptional cases, the control according to Article 16 of ERDF-Regulation (EC) No. 1080/2006 can be delegated to another experienced authority – based on the provisions of the Federal Constitutional Act according to Art. 15a B-VG.

It shall be agreed during the application process by the Regional Co-ordinators which of the regional financial controllers are responsible for the Lead Partner and Project Partners. This decision shall be laid down in the ERDF subsidy contract.

Taking into account that

- a) according to Article 15(1) of the ERDF Regulation (EC) No 1080/2006 the Managing Authority shall satisfy itself that the expenditure of each beneficiary participating in an operation has been validated by the controller referred to in Article 16(1) of the ERDF Regulation (EC) No 1080/2006 and that
- b) there will be only one ERDF-subsidy contract for each operation between the Managing Authority and the Lead Partner (“Lead Partner Principle”).

The controllers ensure validation of expenditure in terms of delivery of the products and services co-financed, soundness of the expenditure declared, compliance of such expenditure with Community and national rules as set out in Art. 16 (1) of ERDF Regulation (EC) 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 regional financial controller of the Lead Partner has to verify that the expenditure declared by the Project Partners participating in the operation have been validated by the controllers as laid out in the subsidy contract and that the expenditure presented by the Project Partners correspond to the activities agreed between the Lead Partners and Project Partners.

Each Project Partner (Lead Partners and Project Partners) participating in the operation assumes full responsibility in the event of any irregularity in the expenditure which it has declared (Article 20(2)(a) of the ERDF Regulation (EC) No 1080/2006).

Further details specifying the certification of expenditure including bilingual standardised forms and information on eligible expenditure and reporting requirements will be laid out in audit guidelines.

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) of Council Regulation (EC) 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 as they will be laid down in an audit 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 of the General Regulation (EC) No 1083/2006. In case where institutions appointed as Regional bodies will be entrusted with tasks of financial control according to Article 16 of ERDF Regulation (EC) No 1080/2006, a clear separation of responsibilities between Regional body and controller will be ensured.

With reference to Article 3 (1) of Regulation (EC) No 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) No 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.

### **Recovery of ERFD funding**

Without prejudice to the Member States' responsibility for detecting and correcting irregularities and for recovering amounts unduly paid (according to Article 70(1)(b) of the General Regulation (EC) No 1083/2006), the Managing Authority and the Certifying Authority shall ensure that any amount paid as a result of an irregularity is recovered from the Lead Partner. The Project Partners shall repay the Lead Partner the amounts unduly paid in accordance with the agreement existing between them (according to Article 17(2) of the ERDF Regulation (EC) No 1080/2006).

If the Lead Partner does not succeed in securing repayment from a Project Partner, the Member State on whose territory the relevant Project Partner is located shall reimburse the Certifying Authority the amount unduly paid to that Project Partner (according to Article 17(3) of the ERDF Regulation (EC) No 1080/2006).

### **Evaluation of the Operational Programme**

In order to support the monitoring of the operational programme it has been agreed that evaluation of the programme shall be carried out during the programming period according to Article 47 of Council Regulation (EC) No 1083/2006.

The Evaluation System of the OP will be based on the Ex-Ante Evaluation (including the Strategic Environmental Assessment) as well as an ongoing Evaluation during implementation, according to Art. 48 of Council Regulation (EC) No 1083/2006. The Final Report according to Art. 67 of Council



Regulation (EC) No 1083/2006 will be provided by the Managing Authority. Moreover, the Managing Authority will cooperate with the Commission in relation to the Commission's responsibility to carry out an Ex-Post Evaluation as set out in Art. 49 of Council Regulation (EC) No 1083/2006.

Evaluations will be based on the system of indicators as described in the Chapter 7 and information as provided by the CMS (according to Commission Regulation (EC) No 1828/2006. Evaluations will also assess impacts, undertake qualitative research and focus on capitalisation of programme results as well as optimisation and evolution of the programme. To these ends further data which is not available through the monitoring system can be gathered by the evaluators through supplementary methods (e.g. interviews, research, etc.).

Evaluation results will be presented to the MC and Commission, with reference to Art. 48 (3) of Council Regulation (EC) No 1083/2006. Evaluations shall provide support to the MC in order to monitor the programme continuously, to assess the state of implementation and to timely detect needs for adoptions.

Evaluations executed during the programming period 2007-2013 will be of:

- Strategic nature (strategy related)– aiming at examination of the evolution of the programme in relation to the Community and national priorities,
- Operational nature (performance related) – should be linked with the programme monitoring focusing on the assessment of the efficiency and effectiveness of the assistance.

Activities in the field of evaluation will comply with following principles:

- Proportionality – reflecting the financial allocations and scope of the programme,
- Independence – functional independence from certifying and audit authorities, and preferably from Managing Authority,
- Partnership – consultation and involvement of relevant partners including regular communication with EC,
- Transparency – making evaluation results publicly available.

The detailed evaluation plan will be submitted to the Monitoring Committee (presented in the PC Light).



## Procedural regulations governing the programme implementation with relation to operation (procedural organisation)

### Co-ordination at programme level

	Monitoring Committee	Managing Authority (JTS)	Regional Co-ordinator	Regional financial controller	Certifying Authority
Consulting the potential project holder			<b>X</b>		
Operation Application		<b>X</b>			
Operation Assessment					
– compatibility with Community policies/regulations		<b>X</b>			
– compatibility with cross-border and regional strategies		<b>X</b>	<b>XO</b>		
Operation documentation to the Monitoring Committee		<b>X</b>	<b>O</b>		
Approval of operations	<b>X</b>				
Information to the Lead Partner on decision in Monitoring Committee		<b>X</b>	<b>O</b>		
ERDF Subsidy Contract		<b>X</b>			
Administration of the Central Monitoring System		<b>X</b>			<b>O</b>
Operation monitoring (evaluation of the progress)					
– Implementation according to Community policies/regulations		<b>X</b>			
– Implementation according to cross-border and regional strategies			<b>X</b>		
Operation Changes					
– preparation		<b>X</b>	<b>O</b>		
– decision	<b>X</b>				
– legal implementation		<b>X</b>			
Public Relations activities					
– communication		<b>X</b>	<b>O</b>		
– dissemination			<b>X</b>		
Financial Control					
– Certification of expenditure			<b>O</b>	<b>X</b>	<b>O</b>
– Control System and audit trail		<b>X</b>			
Payment system					
– Application for reimbursement		<b>X</b>			<b>O</b>
– Payment of ERDF					<b>X</b>

x ... responsibility, o ... assistance/co-ordination



## Administration of the programme at operational level

During the operation cycle different implementing bodies are involved. They shall support and monitor the Lead Partner and Project Partners during the whole lifetime of the operation.

### Lead Partners and Project Partners

The term “Lead Partner” used in this programme shall be a synonym for the term “lead beneficiary” as defined in Article 20(1) of the ERDF Regulation (EC) No 1080/2006, the term “Project Partner” shall be a synonym for the term “other beneficiary” as defined in Article 20(2) of the ERDF Regulation (EC) No 1080/2006.

Taking into account both Article 2(4) of the General Regulation (EC) No 1083/2006, whereby the term “beneficiary” is defined as “an operator, body or firm, whether public or private, responsible for initiating or initiating and implementing operations” and the definition of “public expenditure” and Article 2(5) of the General Regulation (EC) No 1083/2006, the following legal entities may be funded by the programme as Lead Partners of an operation:

- a) National (governmental), regional and local authorities;
- b) Bodies governed by public law as defined in Article 1(9) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the co-ordination of procedures for the award of public works contracts, public supply contracts and public service contracts. This means any body
  - established under public or private law mainly for the specific purpose of meeting needs in the general interest,
  - having legal personality,
  - financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;
- c) Associations formed by one or several regional or local authorities;
- d) Associations formed by one or several bodies governed by public law as defined under b).

Non-profit organisations not falling in one of the categories a) – d) are welcome to participate in operations. Specific conditions will be formulated in the application package.

For each operation as defined in Article 2(3) of the General Regulation (EC) No 1083/2006, the Lead Partner shall be appointed by the Project Partners among themselves. The Lead Partner shall assume the following responsibilities (according to Article 20(1) of the ERDF Regulation (EC) No 1080/2006):

- It shall lay down the arrangements for its relations with the Project Partners participating in the operation in an agreement comprising, *inter alia*, provisions guaranteeing the sound financial management of the funds allocated to the operation, including the arrangements for recovering amounts unduly paid;
- It shall be responsible for ensuring the implementation of the entire operation;



- It shall ensure that the expenditure presented by the Project Partners participating in the operation has been paid for the purpose of implementing the operation and corresponds to the activities agreed between the Project Partners participating in the operation;
- It shall verify that the expenditure presented by the Project Partners participating in the operation has been validated by the controllers according to the ERDF Subsidy Contract;
- It shall be responsible for transferring the ERDF contribution to the Project Partners participating in the operation.

Each Project Partner participating in the operation shall:

- assume responsibility in the event of any irregularity in the expenditure which it has declared (according to Article 20(2)(a) of the ERDF Regulation (EC) No 1080/2006);
- repay the Lead Partner the amounts unduly paid in accordance with the agreement existing between them (according to Article 17(2) of the ERDF Regulation (EC) No 1080/2006);
- in case the Project Partner is located in a Member State outside the programme area, i.e. in case of application of Article 21(2) of the ERDF Regulation (EC) No 1080/2006; inform the responsible authorities of this Member State about its participation in an operation (according to Article 20(2)(b) of the ERDF Regulation (EC) No 1080/2006).