

Rules of Procedure of the Steering Committee
of the INTERREG Caraïbes programme 2021-2027
Validated by the Monitoring Committee on 10 March 2023

- Considering Regulation (EU) 2021/1058 of the European Parliament and the Council of 24 June 2021 on the European Regional Development Fund and the Cohesion Fund, and its implementing and delegated acts;
- Considering Regulation (EU) 2021/1059 of the European Parliament and the Council of 24 June 2021 laying down specific provisions for the European Territorial Cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments, and its implementing and delegated acts;
- Considering Regulation (EU) 2021/1060 of the European Parliament and 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 laying down the financial rules for those Funds, as well as for the Asylum, Migration and Integration Fund, the Internal Security Fund and the instrument for financial support for border management and visa policy, and its implementing and delegated acts;
- Considering Delegated Regulation (EU) n°240/2014 of 7 January 2014 on the European Code of Conduct on Partnership in the framework of the European Structural and Investment Funds;
- Considering Law No. 2014-58 (FR) of 27 January 2014 on the modernization of territorial public action and the establishment of metropolitan authorities;
- Considering the Cooperation Programme “(Interreg VI-D) Caribbean” CCI: 2021TC16FFOR003 approved by the European Commission through Implementing Decision C(2022) 8884 of 29 November 2022;

A Steering Committee for the INTERREG Caraïbes programme is hereby established. The purpose of these rules of procedure is to establish the modalities of organization and functioning of this Steering Committee.

Article I – Role and missions

The Steering Committee, set up by the Programme Monitoring Committee, oversees the selection of operations. As such, and in accordance with Article 22 of Regulation (EU) No 2021/1059, this committee:

- a) Decides on the scheduling, rejection, postponement, modification and/or deprogramming of the operations carried out;
- b) Ensures that the selected operations are in line with the Interreg programme and contribute effectively to the achievement of its specific objectives;
- c) Ensures that the selected operations do not contradict the corresponding strategies established pursuant to Article 10(1) or the strategies for one or more external financing instruments of the Union;
- d) Ensures that the selected operations present the best ratio between the amount of support, the activities carried out and the achievement of objectives;
- e) Verifies that the beneficiary has the necessary financial resources and financing mechanisms to cover the operating and maintenance costs in the case of operations involving investment in infrastructure or productive investment, in order to ensure their financial sustainability;
- f) Ensures that selected operations falling within the scope of Directive 2011/92/EU of the European Parliament and the Council are subject to an environmental impact assessment or screening procedure and that the assessment of alternatives has been duly considered, based on the requirements of that Directive;
- g) Verifies that, if operations have started before an application for funding has been submitted to the Managing Authority, the applicable law has been complied with;
- h) Ensures that the selected operations fall within the scope of the Interreg fund concerned and are allocated to a type of intervention;
- i) Ensures that operations do not include activities that were part of a relocated operation as defined by point (27) of Article 2 of Regulation (EU) 2021/1060 or that would constitute a transfer of a production activity as defined by point (a) of Article 65(1) of that Regulation;
- j) Ensures that selected operations are not directly the subject of an infringement procedure launched by the Commission under Article 258 TFEU, which jeopardises the legality and regularity of expenditure or the implementation of operations; and
- k) Ensures that, for infrastructure investments with an expected lifespan of at least five years, an assessment of the expected effects of climate change is carried out.

The selection of operations receiving an EU subsidy and the determination of the amount allocated shall be based on the priorities defined in the programme and the analysis carried out by the technical bodies of the programme. The Steering Committee decides on the programming of submitted projects based on the analysis of the following:

- Project appraisal carried-out by the Joint Secretariat (eligibility of the project and the expenses presented, financial support from public resources and other regulatory considerations; initial financial plan and final financing plan after appraisal with the proposed ERDF amount and the corresponding co-financing rate);
- The opinion on and the prioritization of projects prepared by the Technical Committee.

Article II – Composition

1 – Status of members:

The Steering Committee is composed of full members and observer members.

The full members of the Steering Committee, except in the case of non-participation linked to a situation of conflict of interest, are invited to formalize their opinion and decide whether to engage, reject, modify or desengage each project proposed on the agenda of the Steering Committee.

The observer members of the Steering Committee, except in the case of non-participation linked to a situation of conflict of interest, are invited to comment on the projects proposed on the agenda of the Steering Committee within the framework of the debates. However, they do not take part in the decision of the Steering Committee.

2 – List of organisations members of the Steering Committee:

The Steering Committee of the INTERREG Caraïbes programme is composed of the following bodies (full members):

- The President of the Regional Council of Guadeloupe, Managing Authority of the INTERREG Caraïbes programme, or his representative;
- The president of the Assembly of the Territorial Collectivity of French Guiana, or his representative;
- The president of the Executive Council of the Territorial Collectivity of Martinique, or his representative;
- The president of the Territorial Council of the Collectivity of Saint Martin, or his representative;
- The prefect of Guadeloupe, representing the French State in collectivities of Saint-Martin and Saint-Barthelemy, who ensures the coordination of the French States services, or his representative;
- The General Secretary of the Association of Caribbean States, or his representative;
- The Director General of CARIFORUM, or his representative;
- The Director General of the Organisation of Eastern Caribbean States, or his representative.

The following bodies are associated as observers:

- The President of the Departmental Council of Guadeloupe or his representative;
- The President of the Territorial Assembly of Martinique, or his representative;
- The representative of DG REGIO in charge of territorial cooperation, or his representative;
- The heads of the European Union Delegations covered by the programme's cooperation area, or their representatives;

- The President of the Executive Council of the Collectivity of Saint-Barthelemy, or his representative;
- The Ambassador of France to the OECS, or his representative;
- The Ambassador in charge of regional cooperation in the Atlantic area, or his representative;
- The Prefect of French Guiana, or his representative;
- The Prefect of Martinique, or his representative;
- The Director General of French Overseas Territories or his representative;
- The Director of the Atlantic Ocean Regional Directorate of the French Development Agency (AFD) or his representative;
- The Director of the Banque Publique d'Investissement (BPI) Antilles Guiana or their representative;
- The Head of the EIB Regional Representation Office for the Caribbean or their representative;
- The President of the Caribbean Development Bank or his representative;
- The director of the Joint Secretariat of the INTERREG Amazonian cooperation programme, or his representative.

Depending on the items on the agenda, other public or private institutions and independent experts may be associated with the work upon proposal from the Steering Committee Chair or from a member of the Steering Committee.

Article III – Operation

1 - Chair:

The Steering Committee is chaired by the Managing Authority of the programme, the Regional Council of Guadeloupe. The chairmanship of the meeting will be ceded to the executive of the territory where the meeting is held when it takes place on a community territory outside Guadeloupe.

The Joint Secretariat will cooperate closely with the executive concerned so that the latter can preside over the work under the best conditions.

Meetings of the Steering Committee are organized together with meetings of the Monitoring Committee. Therefore, they follow the principle of geographical rotation among territories that are partners of the programme, according an annual provisional schedule that will be validated by the Monitoring Committee members.

The Chair of the Steering Committee convenes the meetings and is responsible for their proper conduct. The agenda shall be drawn up by the Presidency on a proposal from the Technical Committee. It is sent with the meeting working documents no later than 15 calendar days before the date scheduled for the Steering Committee.

The Chair of the Steering Committee is responsible for:

- convening the Steering Committee at least once a year;

- developing meeting agendas;
- notifying all members of meetings;
- ensuring the smooth running of the work.

The President will be assisted by the Joint Secretariat in the performance of his duties.

2 – Secretariat of the Committee

The Committee shall have a permanent secretariat, the Joint Secretariat.

3- Code of conduct and working principles:

Committee members are required to observe the following rules of conduct:

- participate in all meetings;
- act for an effective implementation of the programme in accordance with its strategy;
- decide in the public interest and not for the purpose of obtaining financial or other benefits for themselves or for any other person;
- declare to the Chair of the Committee, at the beginning of the meeting, any conflict of interest in which they may find themselves with regard to the topics discussed;
- report on the work of the organization they represent.

4 – Meeting notifications and preparatory documents:

The Joint Secretariat, on behalf of the Chair of the Steering Committee, convenes the members:

- no later than 15 calendar days before the date of the meeting;
- within shorter time limits in exceptional cases, with the agreement of all members, indicating the day, place and time of the meeting and the agenda.

In the event of urgent decisions, members may, during the meeting, propose the addition of other items to the agenda.

If a request to change the agenda is made, the Joint Secretariat, on behalf of the Chair, shall obtain the approval of the other members prior to the meeting.

Before presentation to the Steering Committee, projects are appraised by the Joint Secretariat.

Then, they are presented to the Technical Committee. Projects concerning priority 5 of the programme will be analyzed by the specific steering committee for priority 5.

The Technical Committee, a technical body, issues a non-binding opinion on the projects submitted for its assessment. Assisted by the Joint Secretariat, it prepares the agenda of the Steering Committee by classifying and ranking the projects to be presented to the Steering Committee and by distinguishing:

- For the information of the Steering Committee:
 - o projects whose appraisal has concluded that they are ineligible;

- projects adjourned by the Technical Committee (projects whose score is insufficient);
- For decision of the Steering Committee:
 - projects with a favorable opinion, presented by theme and ranked by descending score;
 - projects with a defavorable opinion (excluding grounds of ineligibility).

The working documents presented to the Steering Committee includes:

- a descriptive summary sheet presenting each project;
- the results of the appraisal carried out by the Joint Secretariat and the joint opinion of the Technical Committee on the projects;
- a progress report on the financial model of the programme.

The Joint Secretariat, in agreement with the Chair, shall transmit the working documents to the members of the Steering Committee no later than 15 calendar days before the date of the meeting. These documents will be submitted electronically and will be available in English and French. In the event that this deadline is not respected, the president, with the approval from the committee members, takes the decision in the meeting whether or not to keep the project(s) concerned on the agenda.

5 - Procedures for issuing decisions:

The Steering Committee issues three types of decisions on applications submitted to it:

- Favorable
- Unfavorable
- Adjournment

Decision-making in the committee will be by consensus. Any opinion must be reasoned.

In the event of disagreement (lack of consensus), the chairman of the meeting works to obtain an agreement with the consent of all. If this is still not the case, the decision is adopted based on the votes from the representatives of the Monitoring Committee's full-members and the absolute majority principle. In the event of lack of majority, the vote from the Managing Authority, guarantor of the proper functioning of the programme and legally and financially accountable to the European Commission, will count double.

The meetings of the Steering Committee are held face-to-face. However, and subject to validation by the members, meetings may exceptionally be held by videoconference.

6 - Procedures for adopting decisions by written consultation:

Similarly, a decision by written consultation of the members of the Committee may exceptionally be requested. In this case, the Joint Secretariat will send, on behalf of the Chair, the documents to the members of the Committee and will set a deadline of at least 15 calendar days for response.

After this period, and in the absence of a response, the decision is deemed favourable.

After the expiry period, the Joint Secretariat will draw up a review of the opinions and comments received and elaborate the record of decision.

7 – Procedures for publication of record of decision:

The drafting of the record of decision is the responsibility of the Joint Secretariat, in collaboration with the Chair.

The record of decisions will be sent to the members of the Committee no later than 15 calendar days after the meeting for validation.

This record of decision lists the decisions taken regarding the selection of the operations submitted, and in the case of a rejection of the application, the reasons. This information must be transmitted to the candidate by the Joint Secretariat, and a possibility for the candidate to appeal the decision will be put in place. It also traces any debates and recusals in the event of a conflict of interest.

8 - Conflict of interest provisions:

When a project proposal which may be a conflict of interest for one or more members of the Committee is discussed, the member or members concerned shall not take part in the debate. This situation is recorded in the statement of decision of the Steering Committee.

The situation of the Committee members vis-à-vis the conflict of interest must be formalized based on the declaration of independence distributed by the Joint Secretariat at the beginning of the meeting. These declarations, duly completed, are retrieved by the Joint Secretariat and annexed to the statement of decision.

Regarding the Regional Council of Guadeloupe, its services operate in accordance with the principle of functional separation formalized in the Description of Management and Control Systems. Only operational directorates can carry out projects and apply for a grant under INTERREG Caraïbes. The services that carry out the missions of Managing Authority of the programme have a functional independence from the other services of the organisation and a different field of competence.

In the light of these considerations, the Managing Authority will therefore sit and take part in the entire work.

9 - Conditions, principles and provisions governing reimbursement terms, capacity building opportunities and the use of technical assistance:

The Steering Committee members perform their duties free of charge.

Any costs relating to participation in the Steering Committee shall be borne by the participating members. However, in order to facilitate the participation of regional organisations that are full members of the Steering Committee of the INTERREG Caraïbes programme for 2021-2027, the travel and accommodation expenses of the political representative of the institution will be covered, in accordance with the rules laid down by the programme authorities, in compliance with the principles of sound financial management. In general, and subject to the reality of transportation,

these travel and accommodation costs will be covered from the day before the meeting of the INTERREG Caraïbes 21-27 Steering Committee until the day after the plenary session.

10– Language and communication:

To ensure effective and timely communication between the members of the Steering Committee, English and French are the working languages. Thus, all documents must be submitted in both English and French.

Meetings will be simultaneous translated into English and French.

11 - Modalities for amending the rules of procedure:

The rules of procedure shall be amended on the initiative of the Chair, or at the request of one of the members.

12 – Validity of rules of procedure:

These rules of procedure come into effect once validated by the Monitoring Committee.