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# Methodology for selection of operations

## for the Interreg VI-A Hungary – Slovakia Programme

*#interreghusk*

**Version:** 1.10  
**Publication date:** 22/09/2023

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## History of changes

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Version	Publication date	Changes
1.0	15/02/2023	Original version
1.1	22/09/2023	The strategic, territorial and sectoral assessments are carried out in parallel (p14)

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## 1. Basic principles

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### 1.1. Legal requirements

Provisions on the preparation, approval and amendment of Interreg programmes as well as on territorial development, on the selection of operations, on monitoring and evaluation, on the programme authorities, on audit of operations, and on transparency and communication should be adapted to the specificities of Interreg programmes compared to the provisions set out in Regulation (EU) 2021/1060. Those specific provisions should be kept simple and clear in order to avoid gold-plating and additional administrative burdens for Member States and beneficiaries. (Preamble 24; Interreg Regulation).

Procedures for the selection of operations can be competitive or non-competitive provided that criteria applied and procedures used are non-discriminatory, inclusive and transparent and the operations selected maximise the contribution of the Union funding and are in line with the horizontal principles defined in Regulation (EU) 2021/1060. With a view to pursuing the objective of achieving a climate-neutral Union by 2050, Member States should ensure the climate proofing of investments in infrastructure and should prioritise operations that respect the ‘energy efficiency first’ principle when selecting such investments.

Since the Managing Authority (MA) bears the main responsibility for the effective and efficient implementation of the funds and therefore fulfils a wide range of functions, its functions in relation to the selection of operations, programme management and support for the monitoring committee should be set out in detail. The MA and its leadership in the process is pivotal for the good governance of the process – the MA is accompanied by the National Authority (NA) that has an obvious support function in governance. Good governance of the process is essential to establish trust and an open atmosphere. It rests on three main pillars:

- a process which is fair and transparent from the perspective of the applicant (assessment criteria published, possibility to submit questions, a reasonable time for replies, complaint procedures in place);
- an efficient internal process design and management; i.e., clear rules of procedures, which allow efficient and timely decision-making;
- clear internal task distribution: what should be decided on the MA level and what should be decided on the monitoring committee level.

For the selection of operations, the monitoring committee shall establish and apply criteria and procedures, which are non-discriminatory and transparent, ensure accessibility to persons with disabilities, gender equality and take account of the Charter of fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Article 11 and Article 191(1) TFEU.

The criteria and procedures shall ensure the prioritisation of operations to be selected with a view to maximising the contribution of Union funding to the achievement of the objectives of the Interreg programme and to implementing the cooperation dimension of operations under Interreg programmes, as set out in Article 23(1) and (4) of the Interreg regulation.

**The process design should be technically simple avoiding complexity, and it should be transparent for the programme management as well as the applicants. In communication with applicants,**

**it is recommended to use straightforward language avoiding technical jargon. The effectiveness and efficiency of project selection process should be duly observed considering the necessary resources, potential delays, costs for the process.**

The Monitoring Committee decision is based on European legislation and applicants - in accordance with Article 69(7) of CPR on responsibility of Member States - have a chance to file a complaint against the decision as part of a fair and transparent procedure. It is evident that – depending on the Member States – the exact legal status of such procedures may differ but in essence, a transparent and fair procedure needs to be developed, set out in the manuals allowing for fair and equal treatment of any applicant regardless of its country of origin.

The monitoring committee shall approve the methodology and criteria used for the selection of Interreg operations, including any changes thereto, without prejudice to point (b) of Article 33(3) of Regulation (EU) 2021/1060 with regard to CLLD and to Article 24 of the Regulation (EU) 2021/1059.

## 1.2. Tasks of the Monitoring Committee

The Member States shall set up, in agreement with the Managing Authority, a committee to monitor implementation of the programme ('Monitoring Committee') within three months of the date of notification to the Member States of the Commission decision approving an Interreg programme. Each monitoring committee shall adopt its rules of procedure. The rules of procedure of the monitoring committee shall prevent any situation of conflict of interest when selecting Interreg operations and shall include provisions regarding voting rights and rules for attending the meetings. In selecting operations, the monitoring committee shall:

- a) ensure that selected operations comply with the Interreg programme, and provide an effective contribution to the achievement of its specific objectives;
- b) ensure that selected operations do not conflict with the corresponding strategies established pursuant to Article 10(1) of the CPR or established for one or more of the external financing instruments of the Union;
- c) ensure that selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;
- d) verify that the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs for operations comprising investment in infrastructure or productive investment, so as to ensure their financial sustainability;
- e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council (19) are subject to an environmental impact assessment or a screening procedure and that the assessment of alternative solutions has been taken in due account, on the basis of the requirements of that Directive;
- f) verify that where the operations have started before the submission of an application for funding to the managing authority, the applicable law has been complied with;
- g) ensure that selected operations fall within the scope of the Interreg fund concerned and are attributed to a type of intervention;
- h) ensure that operations do not include activities which were part of an operation subject to relocation within the meaning of point (27) of Article 2 of Regulation (EU) 2021/1060 or which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65(1) of that Regulation;

- i) ensure that selected operations are not directly affected by a reasoned opinion by the Commission in respect of an infringement within the scope of Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of operations; and
- j) ensure that, for investments in infrastructure with an expected lifespan of at least five years, an assessment of expected impacts of climate change is carried out.

The Managing Authority shall publish the list of the members of the Monitoring Committee on the website referred to in Article 39 of the CPR.

### 1.3. Communication requirements

Each Member State shall ensure the visibility of support in all activities relating to operations supported by the Funds with particular attention to operations of strategic importance, and communication to Union citizens of the role and achievements of the Funds through a single website portal providing access to all programmes involving that Member State. (Article 46; CPR)

The managing authority shall ensure that, within 6 months of the decision approving the programme, there is a website where information on programmes under its responsibility is available, covering the programme's objectives, activities, available funding opportunities and achievements. (Article 49 (1); CPR)

The managing authority shall ensure the publication on the website referred to in Article 49 of the CPR or on the single website portal referred to in Article 46 of the CPR a timetable of the planned calls for proposals, that is updated at least three times a year, with the following indicative data:

- a) geographical area covered by the call for proposal;
- b) policy objective or specific objective concerned;
- c) type of eligible applicants;
- d) total amount of support for the call;
- e) start and end date of the call.

Going beyond the legal requirements, information listed above can be communicated in the news sections on the Programme website, social media, and even in regional or local press to highlight calls and the selection of projects.

The managing authority shall make the list of operations selected for support by the Funds publicly available on the website in at least one of the official languages of the institutions of the Union and shall update that list at least every 4 months. Each operation shall have a unique code. The list shall contain the following data:

- a) in the case of legal entities, the beneficiary's and, in the case of public procurement, the contractor's name;
- b) where the beneficiary is a natural person the first name and the surname;
- c) for EMFAF operations linked to a fishing vessel, the Union fishing fleet register identification number as referred to in Commission Implementing Regulation (EU) 2017/218 (47);
- d) name of the operation;
- e) the purpose of the operation and its expected or actual achievements;
- f) start date of the operation;
- g) expected or actual date of completion of the operation;
- h) total cost of the operation;

- i) fund concerned;
- j) specific objective concerned;
- k) Union co-financing rate;
- l) location indicator or geolocation for the operation and country concerned;
- m) for mobile operations or operations covering several locations the location of the beneficiary where the beneficiary is a legal entity; or the NUTS 2 level region where the beneficiary is a natural person;
- n) type of intervention for the operation in accordance with point (g) of Article 73(2).

For data referred to in points (b) and (c) of the first subparagraph, the data shall be removed 2 years from the date of the initial publication on the website.

## 1.4. Type of calls

In general, the decision about the type of call should result from an open debate in the Monitoring Committee in the context of economy, efficiency and effectiveness, agreeing on the needs and justification. The procedures for the selection of operations can be competitive or non-competitive (strategic). Operations can be selected via one- or two-round procedure. Timing and reasonable periodicity are essential pillars for sound programme management: the period required for the quality assessment is usually the critical path in the process. When launching a call, there are a couple of options based on focus and timelines:

### **Close-ended competitive call**

Close-ended competitive calls are open for submission of applications for a limited pre-defined period of time. Applications are evaluated all together after the submission deadline, and contracts are also signed all together after the evaluation is concluded.

### **Open-ended competitive call**

Open-ended competitive call is without deadline (also known as 'ongoing call'). Applicants can apply for all programme priorities whenever they want (when they are ready). Even though it is not intended to set a deadline in the call, it is still important that the applicant knows in advance when decision will be taken.

### **Competitive or non-competitive targeted call (close-ended)**

Targeted calls can be used during the whole lifespan of the programme. In practice they are often used when a specific topic needs to be addressed (e.g. operation of strategic importance, indicator fulfilment). They can also be used when the available budget is limited, as targeting helps to limit the number of applications.

## 1.5. Type of assessors

Applications are evaluated by independent experts approved by the Managing Authority in agreement with the National Authority. Experts can be internal or external in the context of proficiency, efficiency, effectiveness and economy. All assessors participating in the selection procedure must respect the following principles:



### **Confidentiality**

Assessors have to guarantee that confidentiality of all applications and documents is ensured and all national laws of privacy and Regulation (EU) 2016/679 (GDPR) on the protection of personal data is respected.

### **Independence**

Assessors have to be independent from any influence serving personal or third party interests. Assessor shall report to the JS immediately during the evaluation if they have conflict of interest with any application received or if they perceive any commercial, financial or other pressure that might compromise the evaluation. A conflict of interests exists where the impartial and objective exercise of the assessment is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest. Where a conflict of interests is found to exist, the JS shall ensure that the person in question ceases all activity in the matter. The JS shall ensure that any further appropriate action is taken in accordance with the applicable law.

### **Impartiality**

Assessors have to treat all proposals equally and evaluate them on their merits, irrespective of their origin or the identity of the applicants. Assessors shall make their judgement against the official evaluation criteria and nothing else.

### **Objectivity**

Assessors have to evaluate each application as submitted and take their decisions based only on objective evidences. Assessors shall apply the same standards of judgement to all applications.

## **Internal assessors**

The pool of internal assessors is a compound of the Programme managers of the Joint Secretariat. Internal assessors are designated by the head of the Joint Secretariat in agreement with the MA and NA according to their thematic proficiency and professional experience.

## **External assessors**

### **Territorial experts**

Territorial experts are delegated by the regional governments of counties and higher territorial units operating on the Programme area in order to ensure that territorial considerations of the counties and higher territorial units are represented. The selection is based on a targeted call to which delegating institutions shall nominate development experts that fulfil the requirements and the selection criteria. In case any regional government omits to delegate an expert into the pool of external assessors the Managing Authority selects the most suitable candidate for the assessment.

### **Sectoral experts**

Sectoral experts are selected through targeted call according to their thematic proficiency and professional experience. Sectoral experts shall ensure that applications are in line with different sectorial considerations. In addition, if possible sectoral experts shall be selected already before the Call is elaborated, so they can actively participate in setting up of the terms and conditions of the Call with their professional contributions. The assignment of the project proposals to the external assessor will ensure transparency and balanced representation of participating countries, while respecting equality of opportunities and non-discrimination principles.

## 2. Assessment of one-round competitive calls

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The assessment procedure of the one-round competitive calls is divided into five stages according to the complexity of the tasks and the competency of different experts:

- 1) admissibility check (internal assessors)**
  - a. administrative compliance
  - b. formal assessment
- 2) eligibility check (internal assessors)**
  - a. geographical coverage
  - b. cooperation criteria
  - c. evaluation of the exclusion criteria
- 3) individual quality assessment**
  - a. strategic assessment (internal assessors)
  - b. territorial assessment (territorial experts)
  - c. sectoral assessment (sectoral experts)
- 4) group assessment**
  - a. consensus meeting (internal, territorial assessors and sectoral experts)
- 5) state-aid check (internal assessors)**

### 2.1. Admissibility check

Admissibility check is undertaken by the Internal assessors. The admissibility check consists of two parts. First, the administrative compliance shall verify whether the applications were submitted in due time in the requested format. Second, the formal assessment evaluates whether all mandatory annexes were submitted to the application.

Admissibility check covers questions that can be answered 'yes' or 'no' as an automated system. Applicants submitting incomplete applications may complete the missing documents two times. Detailed description of the admissibility criteria is listed in the respective Call for proposals. Applications fulfilling admissibility criteria shall be forwarded into the next assessment stage.

### 2.2. Eligibility check

Eligibility check is undertaken by the Internal assessors. The aim of the eligibility assessment is twofold. On one hand the eligibility check shall verify the geographical coverage and cooperation character of the applications. On the other hand, the Managing Authority shall ensure that no operation is selected that is subject of an excluding criterion set in CPR and Interreg regulation.

In the first case, the assessors shall evaluate whether all activities described in the application are carried out on the programme area and the partners are cooperating in development and implementation as well as in staffing or financing, or both. These criteria shall be covered by questions that can be answered 'yes' or 'no' and assessor shall provide explicit check on them.

In the second case, checking excluding criteria shall be covered by predefined statement of honour signed by each partner and submitted as an annex to the Application form. Detailed description of the eligibility criteria is listed in the respective call for proposals. Applications fulfilling all eligibility criteria shall be forwarded into the next assessment stage.

## 2.3. Quality assessment

### Individual assessment

The quality of projects is assessed against criteria laid down in the quality assessment grids published as part of the respective Call for proposals. These criteria include different questions which strive to catch each important aspects of the project. First, the assessors must read the submitted applications thoroughly and evaluate the fulfilment of each criterion by quantitative scores and textual justification. Scores can be given in the range from 0 to 5 to each criterion based on the assessor's comment. Criteria can be weighted or non-weighted according to their relevance in the overall assessment procedure. The total scores can range from 0 to 100.

Internal and sectoral assessors are also responsible for guaranteeing the application of principles of the sound financial management (SFM) as well. In this regard, they must analyse each budget line and propose financial corrections if they found that principles of the SFM might be compromised. Finally, assessors may add to their assessment specific suggestions to improve the project or set conditions that shall be respected by the Beneficiaries during the implementation.

Individual assessment is undertaken by both internal and external experts as well. The evaluation is divided into three parts according to the competency of the different experts:

- a) strategic assessment
- b) territorial assessment
- c) sectoral assessment

### Strategic assessment

Strategic assessment is undertaken by the internal assessors. Each Programme manager on the Joint Secretariat is responsible for one or more specific objectives as Topic manager. Topic managers must learn thoroughly the achievements of the programme's priority including general challenges of the specific objective, motivation of the target groups, the detailed content of the supported activities and wider context of the expected results. Internal assessors evaluate whether

- a) the project's overall objective clearly contributes to the achievement of the programme's priority and specific objective and
- b) assess the quality and strength of the cross-border cooperation.

Topic managers also provide professional help to the applicants on information and consultation days in the project submitting period; and to the MA to find the most suitable candidate as sectoral expert for the given specific objective.

### Territorial assessment

Territorial assessment is undertaken by external assessors, specifically by the territorial experts. Each regional government of a county or higher territorial unit (HTU) operating on the Programme area may delegate an expert into the pool of territorial experts to ensure its territorial considerations are enforced. Each territorial expert evaluates those applications which are planned to be implemented in the county or HTU where the delegating institution operates. Assessors check whether the project

- a) addresses common territorial challenges of the region;
- b) clearly contributes to a wider strategy on regional level;
- c) achieve synergies with the regional or local programmes.

### **Sectoral assessment**

Sectoral assessment is undertaken by external assessors, specifically by the sectoral experts selected from the Pool of experts. Based on the proposal of the Joint Secretariat, the Managing Authority in agreement with the National Authority selects two sectoral experts for each specific objective representing both Member States. Sectoral experts assess whether

- a) the project addresses common territorial challenges of the programme area;
- b) the project's overall objective is in line with the current sectoral trends;
- c) the project activities are in line with the applied methodologies;
- d) the outputs and results are relevant, sustainable and durable; and
- e) the activities are feasible and the proposed budget is in line with the principles of the sound financial management.

### **Group assessment**

#### **Consensus meeting**

Based on the individual assessment a group of internal assessors, territorial assessors and sectoral experts responsible for the same specific objective discuss the evaluated applications one by one on a consensus meeting. The aim of the meeting is to strengthen the objectivity of the assessment via discussing the outlying opinions and finding agreement on comments, suggestions, financial corrections and scores. The consensus meeting is moderated by the head of the JS guaranteeing fairness, objectivity and accuracy, and ensuring that the opinion of all experts is taken into account.

## **2.4. State-aid check**

State-aid check is undertaken by internal assessors. The aim of the check is to evaluate the conformity of the application with the relevant State aid rules. In case the assessment requires additional legal expertise, the Managing Authority provides external support for the Joint Secretariat. Detailed description of conformity with the relevant State aid rules is described in the respective Call for proposals.

### 3. Assessment of two-round competitive calls

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Two-round procedure is recommended in order to reduce excessive use of resources in preparing a full application – in particular, when the expected number of applications is high and the risk of ‘stranded investments’ for applicants is also high. In the first stage applying requirements should be downsized, and a targeted assessment (focusing on key strategic quality criteria) should allow reasonable response times to applicants. The assessment procedure of the first round is simpler and divided into three stages as follows:

- 1) admissibility check (internal assessors)**
  - a. administrative compliance
  - b. formal assessment
- 2) eligibility check (internal assessors)**
  - a. geographical coverage
  - b. cooperation criteria
- 3) quality assessment**
  - a. strategic assessment (internal assessors)
  - b. sectoral assessment (sectoral experts)
  - c. consensus meeting (internal and territorial assessors and sectoral experts)

The assessment of the different stages is the same as described in Chapter 2. The assessment of the second round is fully identical to the assessment of the one-round competitive Call as described in Chapter 2.

## 4. Decision making

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### 4.1. Monitoring Committee decision

The final score is made up from the sum of the average scores from each part of the quality assessment. In quality assessment two thresholds of minimum scores are applied. If the submitted application during the strategic and territorial assessment does not receive the 60% of the maximum points, or the submitted application during the quality assessment does not receive the 65% of the maximum points, the project is rejected without any consideration.<sup>1</sup>

Based on the results of the quality assessment and thresholds achieved by project proposals, the Joint Secretariat prepares a ranking list of projects grouped into the following categories:

- a) projects proposed for approval
- b) projects proposed for approval with condition
- c) reserve list
- d) projects proposed for rejection

The ranking list shall contain the composition of the partnership, the requested ERDF contribution, the suggested financial correction and conditions (if any) and the final score received during the quality assessment. The ranking list also indicates the number of projects that can be approved by the Monitoring Committee according to the indicative allocation set in the Call for proposals.

The Monitoring Committee makes the decision according to the Rules of procedure document. After the decision of the Monitoring Committee comes into force, the Managing Authority informs Lead Partners about the result of the quality assessment and the decision of the Monitoring Committee.

### 4.2. Contracting consultation

After the Lead Partners receive the notifying letter from the Managing Authority, each representative of the Partnership is requested to participate in the contracting consultation. The aim of the consultation is to introduce the Monitoring Committee decision to the Partners including the possible suggestions for improvement, conditions or financial corrections. On the other hand, Programme managers of the Joint Secretariat discuss the project activities, expenditures and indicators with the Partners in person and in case of deficiencies they make suggestions on project modification before contracting. Programme managers also revise the project budget and make proposals for reallocation between budget lines if the principles of the sound financial management might be compromised.

### 4.3. Complaint procedure

The Monitoring Committee decision is based on European legislation and applicants - in accordance with Article 69 (7) of the CPR on responsibility of Member States - have a chance to file a complaint

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<sup>1</sup> In order to support more effective and swift evaluation of submitted project proposals, the strategic, territorial and sectoral assessment could be started at the same time. Irrespective of the result of the sectoral assessment, the strategic and territorial assessment shall be completed for all applications.

against the decision as part of a fair and transparent procedure. Complaint can be filed against the funding decision regarding the project selection applied to the Lead Partner whose

- a) project application was not selected for co-financing during the project assessment or the selection process, or whose
- b) project application was approved for programme co-financing under conditions set by the Monitoring Committee if the disagreement on the conditions cannot be resolved during the contracting process between the Managing Authority and Lead Partner.

The complaint shall be written in English and can be lodged only against the following criteria:

- a) based on the selection criteria approved by the Monitoring Committee the outcomes of the eligibility or quality assessment of the project application do not correspond to the information provided by the Lead Partner during the project assessment and selection process; and/or
- b) the project assessment and selection process failed to comply with specific procedures laid down in the Call for proposals, Applicant's manual or any other guiding document that materially affected or could have materially affected the decision.

The complaint should be lodged in writing to the Joint Secretariat within 14 calendar days after the Lead Partner had been officially notified about the results of the project selection process or conditions set by the Monitoring Committee. The Joint Secretariat shall inform the Managing Authority about the receipt of the complaint without undue delay. The complaint should include:

- a) name and address of the Lead Partner;
- b) reference number of the application which is a subject of the complaint;
- c) clearly indicated reasons for the complaint, including listing of all elements of the assessment which are being complaint and/or failures;
- d) signature of the legal representative of the Lead Partner;
- e) any supporting documents.

The relevant documentation shall be provided for the sole purpose of supporting the complaint and may not alter the quality or content of the assessed application. The complaint is examined by the Complaint Board to be convened for this purpose. The Complaint Board comprises of the programme managers of the Managing and National Authorities and the Head of the Joint Secretariat. The Complaint Board has 30 calendar days to provide a binding decision. The decision whether the complaint is justified or shall be rejected is taken by the Complaint Board by consensus.

The decision of the Complaint Board if the complaint is justified or shall be rejected is final, binding to all parties and not subject of any further complaint proceedings within the Programme based on the same grounds.

## 5. Selection of non-competitive operations

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Targeted calls can be used during the whole lifespan of the programme. In practice they are often used when a specific topic needs to be addressed. They can also be used when the available budget is limited, as targeting helps to limit the number of applications.

### 5.1. Selection of the small project fund

The small project fund constitutes an operation within the meaning of point 4 of Article 2 of Regulation (EU) 2021/ 1060 which shall be managed by a beneficiary, taking into account its tasks and remuneration. The beneficiary shall be a cross-border legal body or an EGTC or a body which shall have legal personality (Article 25; Interreg Regulation).

Since the border between Hungary and the Slovak Republic is one of the longest in the European Union, dividing the Programme area into the Western and Eastern part is reasonable as it was in the Interreg V-A programme. Management bodies of the Small Project fund shall be selected on a basis of a non-competitive targeted call approved by the Monitoring Committee. After the Monitoring Committee approves the targeted call, the Managing Authority invites the relevant bodies to submit the application. The assessment procedure of the targeted call is undertaken by internal assessors and consists of the following stages:

- 1) admissibility check
- 2) eligibility check including content-related evaluation criteria

The evaluation of the different stages is the same as described in Chapter 2. Based on the result of the assessment, the Monitoring Committee shall approve the successful operations. After the Lead Partner receives the notifying letter on project approval, each representative of the Partnership is requested to participate on the contracting consultation with the Joint Secretariat. The aim of the consultation is to discuss the project activities, budget and indicators in detail and in case of deficiencies to carry out necessary project modification before contracting.

### 5.2. Selection of the operations of strategic importance

Operations of strategic importance shall be selected on a basis of a non-competitive targeted call approved by the Monitoring Committee. After the Monitoring Committee approves the targeted call, the Managing Authority invites the relevant body to submit the application. The assessment procedure of the targeted call is undertaken by internal assessors and consists of the following stages:

- 1) admissibility check
- 2) eligibility check including content-related evaluation criteria

The evaluation of the different stages is the same as described in Chapter 2. Based on the result of the assessment, the Monitoring Committee shall approve the successful operations. After the Lead Partner receives the notifying letter on project approval, each representative of the Partnership is requested to participate on the contracting consultation with the Joint Secretariat. The aim of the consultation is to discuss the project activities, budget and indicators in detail and in case of deficiencies to carry out necessary project modification before contracting.