

## **IMPLEMENTATION OF JASPERS ACTIVITIES IN POLAND**

The purpose of this document is to establish working procedures between JASPERS and Polish authorities and beneficiaries. This document should be read in conjunction with, and is governed by, the Working Arrangements set out in Annexe 1 of the JASPERS Action Plan.

### **1. Background – roles of existing actors**

Department for Coordination of Infrastructural Programmes at the Ministry of Regional Development, as a Managing Authority, is responsible for overall coordination of Jaspers' activities in Poland. It will nominate a contact person responsible for the overall coordination of JASPERS activities in Poland ("the MRD Contact Person").

JASPERS has a matrix structure comprised of Relationship Management (responsible for the overall execution of assistance as expected by beneficiaries) and Sector Management (responsible for the activities required to execute individual projects and tasks to agreed standards and timing). The Head and Deputy Head of JASPERS provide overall oversight, quality control and authorisation of key issues.

Within the Jaspers team, responsibility for the delivery of service and day-to-day effective management of Jaspers projects in Poland is ensured by two main actors:-

- The Head of the Northern Regional Office (the 'HRO') reporting to the Head of Operations (the 'HoO') is the initial point of contact for all issues concerning the nomination, scope and performance of the Jaspers portfolio. In particular the HRO is responsible for ensuring the identification and acceptance of projects for JASPERS support through the Action Plan. The HRO manages the overall relationship and will discuss progress across the range of Jaspers projects with the Ministry of Regional Development, normally on at least quarterly basis.
- A nominated Task Manager for each project (the 'TM'), reporting to a Jaspers Sector Manager (the 'SM'). The Task Manager and relevant sector will be identified by JASPERS for each project at acceptance for JASPERS support. The Task Manager is responsible for definition, agreement and management of the detailed work programme for each project, leading to delivery of project outputs in an agreed form. This includes responsibility for working contacts with the beneficiary entity.

The structure and composition of JASPERS may change from time to time, including changes to organizational structure and working practices, as determined by JASPERS at its sole discretion. JASPERS will communicate any such changes to MRD for information.

### **2. Progress Meetings and Project Progress Monitoring**

Project progress is managed by the Task Manager, who will ensure that relevant parties are kept informed of progress. This prime role in each project is supported by regular Progress Meetings which review the JASPERS portfolio and more general issues.

During each quarter, Jaspers and the Ministry of Regional Development will normally organize a progress meeting (as a general practice: four meetings per year). Invitees may include, but are not limited to, representatives from the European Commission (DG Regio), Managing Authorities of Operational Programmes, respective Coordinating Body responsible for Regional Operational Programmes and sectoral Ministries. JASPERS and MRD will cooperate closely to organise these meetings; JASPERS will be responsible for inviting the European Commission and MRD for inviting representatives of Polish entities. MRD provides the Chair and JASPERS the Secretariat of these meetings, unless agreed otherwise.

The format, timing and attendees of Progress Meetings may be varied by agreement between JASPERS and MRD (eg to hold smaller sector-specific meetings).

Minutes from the Progress Meeting which describe a summary of developments across the project portfolio, objectives achieved, problems encountered and other relevant issues, will be prepared by JASPERS and circulated to MRD and DG Regio for comment. MRD will ensure onward transmission to other Polish entities and coordinate any comments from those entities before forwarding them to JASPERS. The minutes will then be approved by JASPERS and the Ministry of Regional Development.

JASPERS and MRD may hold other meetings as required, to monitor overall progress or to address other issues.

### **3. The Action Plan process**

The annual **Action Plan** is the core process for agreeing projects for JASPERS support, and allows effective resource management by JASPERS.

Projects will be initially proposed to JASPERS for inclusion in the Action Plan by MRD. JASPERS will then review such projects using its own expertise and resources, and JASPERS will take comments from the European Commission. It will discuss its proposals with MRD before finalization of the AP.

JASPERS may also agree to add projects to the Action Plan in response to a request from MRD, subject to available resources and comments from the European Commission. This will normally be conducted via one or more interim reviews during the course of the year.

MRD may from time to time request JASPERS to start assistance to a small number of projects ahead of acceptance into an Action Plan where this is beneficial to the project. JASPERS will try to accommodate such requests on a case-by-case basis, on the mutual understanding that these projects will then be included in the next agreed Action Plan.

#### **3.1) Preparing the Action Plan**

Each year, JASPERS will inform MRD in writing of its proposed timetable and steps for agreeing the Action Plan at the same time as it informs other Member States.

Department for Coordination of Infrastructural Programmes at the Ministry of Regional Development will be responsible for informing Managing Authorities of Operational Programmes, the Coordinating bodies responsible for Regional Operational Programmes and sectoral Ministries, of the timetable and steps to be followed by projects seeking inclusion in the next Action Plan. It will do this through an official letter with a request for proposals of new projects for the next year. MRD will be responsible for the receipt of newly proposed projects and for whether it includes them in the draft Action Plan sent by MRD to JASPERS.

#### **3.2) Project selection criteria for Jaspers support in Poland**

Projects which are proposed by MRD for inclusion in the JASPERS Action Plan will normally be selected based on the following criteria:

- Individual major projects<sup>1</sup> which have been selected by the Managing Authorities of Operational Programmes and sectoral Ministries that are included in the 'Indicative List' of individual projects. Their strategic nature has been proven before acceptance of the list, and MRD therefore will automatically deem them to be appropriate under this procedure.

Individual projects, smaller than 25 million EUR /50 million EUR may be supported by Jaspers if JASPERS and MRD deems the project to have an exceptional character, for example due to their strategic importance or 'pilot' approach which can be replicated for other projects;

- Horizontal Tasks which could be used to assist numerous projects in a particular area (e.g. support with state aid, revenue generating projects, grant rate calculation) that have been proposed by one or more line Ministries and are supported by MRD.

#### **3.3) Project Description Fiche and questionnaires**

Each project proposed for support by the Jaspers initiative will be accompanied by a basic information set (the Project Description Fiche). JASPERS has provided a template of the Project Description Fiche, which may be updated from time to time. The beneficiary is encouraged to provide additional information, as the template is intended to set a minimum standard of information on a project. The completed Project Description Fiche must clearly identify the beneficiary of JASPERS support ('the Beneficiary') and provide a contact person at that Beneficiary. It will also summarise the scope of support requested and an outline requested timetable for the provision of such support. It will identify the Operational Programme under which the project expects to be submitted for European Union support and identify the desired timetable for submission. Additional information on the project can be

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<sup>1</sup> \*Individual major projects - Strategic, major projects in excess of 50 million EUR in the following sectors: transport (road, rail, maritime, airports, urban transport), energy, R&D, culture and major projects in excess of 25 million EUR in environmental sector, supported by Cohesion Fund and ERDF.

supplied and is welcomed. New projects proposed to MRD should be accompanied by completed Project Description Fiches which will be passed on by MRD to JASPERS. A Project Description Fiche should be filled in English and Polish by a Beneficiary (electronic versions of the template Project Description Fiche can be found on ) and sent to the relevant line Ministry for onward transmission to JASPERS via MRD.

Managing Authorities of Operational Programmes, the Coordinating Bodies responsible for Regional Operational Programmes, and sectoral Ministries are responsible for ensuring that:

- 1) projects are consistent with relevant OP's;
- 2) projects are eligible for and likely to apply for EU Structural Fund support, and
- 3) checking on project quality, information on the project provided by beneficiaries.

### **3.4) Finalisation of the Action Plan**

After comprehensive analysis of the nominated projects, Department for Coordination of Infrastructural Programmes at the Ministry of Regional Development sends a list of proposed projects to JASPERS. This list will be discussed between MRD (and other line Ministries as appropriate), JASPERS and the European Commission.

JASPERS will be responsible for the final selection of projects from the list proposed by MRD, taking account of comments from MRD and other Ministries, DG Regio and its own resources and expertise. In exceptional circumstances, to avoid delaying the overall AP process, individual projects may be put on 'HOLD' while awaiting specific actions to resolve their status, without prejudice to the other projects in the AP. JASPERS will inform MRD in writing as it resolves the status of each 'HOLD' project.

After the list of projects is agreed, the Action Plan will then be circulated for signature by JASPERS. Every year an Action Plan which includes a list of projects selected for Jaspers assistance will be signed by the Head or Deputy Head of Jaspers and the Undersecretary of State at the Ministry of Regional Development.

### **3.5) Planning for Projects Start-up**

Following signature of the Action Plan, Jaspers will present a proposed schedule of start-up meetings covering the new projects and tasks agreed in the Action Plan. Start-up of projects may be phased over the year to reflect the resources available. Jaspers will propose indicative programme milestones for each of the projects and horizontal tasks based on the information available at the time. This will be discussed with the Ministry of Regional Development, sectoral ministries and Beneficiaries.

Where there is insufficient information for a full start-up (e.g. assistance requirements remain unclear), JASPERS will propose actions needed to further develop the project to the start-up stage and provide indicative project milestones.

For each of the projects which receive Jaspers intervention, a person responsible within the Jaspers team will be indicated as the primary contact person (normally the Task Manager). Beneficiaries and other interested parties may contact this person to discuss progress and raise simple questions or receive assistance with issues arising during preparation of the project. Similarly, the Beneficiary will indicate a Task Counterpart. The line Ministry responsible for the project will also provide a working contact for each project, who is responsible for ensuring appropriate Ministry involvement with the project.

### **3.6) Taking projects forward**

The Task Manager will work with the Beneficiary to define and complete the agreed scope of work, ensuring MRD and/or line Ministry agreement as needed. Where necessary, JASPERS will work with the Beneficiary to clarify or redefine the scope of work in the original Project Description Fiche. Where projects are large and/or complex, the scope of work will normally be broken into several tasks or stages. In some instances, the scope of later stages may not be clear at the outset. In such cases, clear 'milestones' or 'gateways' will be set for at least the active stage. Next steps will then be clearly defined at the end of each stage before the next one commences.

The Beneficiary and Jaspers will work in accordance with an agreed timetable, which may be updated as and when deemed necessary by JASPERS – such as when the scope of the project changes or where additional information must be provided and this cannot be done within the existing project timetable. JASPERS will work with the Beneficiary and make best endeavours to achieve the objectives previously agreed.

Managing Authorities of Operational Programmes, Coordinating Body responsible for Regional Operational Programmes and sectoral Ministries will monitor progress with respect to projects, in particular the achievement of the intermediate goals set, and will ensure that these are met to their satisfaction. Should issues arise, these shall be raised in the first instance between the Beneficiary and JASPERS.

Where projects are complex, JASPERS, the Beneficiary and line Ministry will hold regular review meetings to ensure that progress and next steps are clear. In case a significant delay occurs, the timetable will be updated by JASPERS and sent with information on the issues leading the timetable revision to the line Ministry and Department for Coordination of Infrastructural Programmes at the Ministry of Regional Development.

The JASPERS Action Plan assigns each accepted project a unique seven digit reference number, and a title. The project number should be cited in all correspondence relating to the project.

### **3.7) Resolving issues**

Where issues arise with a given project, all parties will make best efforts to resolve them informally at working level. If the issue cannot be resolved at a working level, the Beneficiary or line Ministry will normally contact the HRO and/or the HoO informally, followed by a meeting between JASPERS, the Beneficiary, MRD and/or the line Ministry to try to find a solution. Any subsequent formal escalation of problems shall be done and handled through the MRD.

## **4. Working contacts**

Jaspers will nominate a Head of Office or other person from time to time to be a first point of contact for all general issues covering the relationship between Jaspers and Poland. This will include preparation of Action Plans and administrative issues. Jaspers will also nominate a Task Manager for each project, working under the relevant Sector Manager.

The counterpart from the Ministry of Regional Development is the Department for Coordination of Infrastructural Programmes, which nominates the MRD Contact Person.

Managing Authorities of Operational Programmes, Coordinating Body responsible for Regional Operational Programmes and sectoral Ministries (in particular Ministry of Environment, Ministry of Infrastructure, Ministry of Science and Higher Education, Ministry of Culture and National Heritage and Ministry of the Economy) are responsible for preparation of projects from their sector and to ensure that the assistance provided meets the wider needs of the Beneficiary. Each department responsible for structural funds in all sectoral ministries, Managing Authorities of Operational Programmes and Coordinating Body responsible for Regional Operational Programmes will nominate one person who will be in charge of coordination of all projects supported by Jaspers in a particular sector/programme.

### **4.1) 'Kick-off' meeting**

Jaspers and Department for Coordination of Infrastructural Programmes at the Ministry of Regional Development will organize a 'kick-off' meeting for a project or group of projects from a relevant sector.

Where possible, the Beneficiary will provide relevant project information ahead of the meeting. Participants of the 'kick-off' meeting should include Jaspers experts, the Beneficiary, representatives of the Ministry of Regional Development (Managing Authorities of Operational Programmes, Coordinating Body responsible for Regional Operational Programmes) and relevant sectoral Ministries. During the 'kick-off' meeting Jaspers initiative and experts will be introduced. Beneficiary shall deliver a presentation of a project and more detailed working arrangements should be worked out. An initial schedule should be agreed. 'Kick-off' meetings on all projects should bring together all relevant parties and result in agreed responsibilities and actions to go forward.

Jaspers will prepare a draft Meeting Note from 'kick-off' meetings within a reasonable period. The presentation of the project prepared by the Beneficiary, if necessary amended to take account of further information from the meeting, will be attached to this note. The JASPERS Meeting Note will contain a summary of conclusions, next steps and responsibilities. The draft note will be sent for comments to the Beneficiary and the MRD Contact Person. Once agreed, it will be circulated by JASPERS to all meeting participants.

### **4.2) Working meetings**

JASPERS and the Beneficiary will ensure that MRD and the sectoral ministries are made aware of any other working meeting and site visits between JASPERS and the Beneficiary. Responsibility for arranging the meeting, including contacting invitees and circulating any papers, will be agreed between the JASPERS Task Manager and Beneficiary. Similarly MRD and sectoral Ministries will ensure that JASPERS is made aware of relevant meetings between themselves, the beneficiaries and other bodies.

After each working meeting (which may include site visits), a meeting note will be prepared by an agreed person (normally the Jaspers Task Manager or a person responsible for project coordination from a sectoral ministry/Managing Authorities of Operational Programmes/ Coordinating Body responsible for Regional Operational Programmes or Beneficiary). Wherever possible working languages for documentation should be agreed between JASPERS and Beneficiary at the start of the project. The working language of JASPERS is English, but JASPERS can receive documentation in the national languages of all Member States, bearing in mind that as not all JASPERS staff can speak all national languages, assistance to the project may take longer should translation be necessary. Where the working language for a JASPERS project is agreed not to be English, arrangements must be agreed at the same time to ensure that key documents are also available in English., Key documents are those that may subsequently be required for monitoring JASPERS activities or performance, and include, but are not limited to, official correspondence concerning the status of a project, or information relevant to the Action Plan.

The note should be agreed with all meeting participants within a reasonable period and then a copy of the note should be sent to the MRD Contact Person for information. The format of this note will vary to reflect the nature and scope of the meeting, and may vary from simple (possibly electronic) file note in the case of simple meetings to a longer note (Attachment 1 – template note in English and Polish). This procedure includes site visits.

Where meetings require documents to have been prepared by one or more of the parties, these will normally be circulated at least three days before the meeting.

Within a time specified during the 'kick off' meeting, the nominated contact person at the sectoral Ministry should collect the documents listed below and send to them the Department for Coordination of Infrastructural Programmes (MRD). The MRD Contact Person should bring in representatives of sectoral ministries/Managing Authorities of Operational Programmes/ Coordinating Body responsible for Regional Operational Programmes as required. The documents sent should include:-

- An updated Project Description Fiche in accordance with the agreed updated arrangements (*Quality and level of detail for the Project Description Fiches varies significantly; for some of them the additional arrangements may be minimal, for some others substantial work may be necessary to clarify the scope of assistance of Jaspers*);
- An agreed document, terms of reference type of document, or some other suitable document defining clearly the scope of Jaspers intervention, in particular:
  - outputs (documents, or some other form, their description, language used, etc.) to be produced by Jaspers as the result of the assistance; in case of long tasks, some intermediate goals should be set (e.g. submission of chapters, drafts, concept analysis),
  - timetable for achievement of the goals and objectives set
  - the mode of cooperation (contact persons, expected inputs by the Beneficiary)
  - basic obligations of the parties (if the Beneficiary or Jaspers finds it necessary).

Where projects are complex and/or comprise several phases, objectives, timetable and outputs should be set for at least the first phase.

Above mentioned documents should be agreed beforehand on a working basis with Jaspers and the Beneficiary.

JASPERS will provide Beneficiaries, MRD and line Ministries with outline project timings including main milestones, which will be updated from time to time. Where project scope or timing changes JASPERS will ensure that timetables are updated with Beneficiaries and that line Ministries and MRD

are informed. MRD and sectoral Ministries will similarly ensure that JASPERS is fully informed of any changes to the strategic context or scope for the project, including national sectoral strategy, institutional structure, contacts with the European Commission, scope of OP etc.

#### **4.3) Closing meeting**

Once it is agreed that a project or phase is reaching a conclusion, there will normally be a closing meeting where final outputs (or significant outputs closing one stage of a large/complex project) are produced. JASPERS and/or the Beneficiary will inform the MRD Contact Person when this stage is reached. Jaspers or the Ministry of Regional Development will normally organize a closing meeting for a project or group of projects from a relevant sector. Representatives of the Beneficiaries, Ministry of Regional Development, sectoral Ministry, Jaspers experts should take part in the closing meeting. During the closing meeting both Jaspers and the Beneficiary should confirm achievement of the objectives for the project.

Where outputs include documents (eg Interim or Final Reports) these should be provided to the Beneficiary (with copies to line Ministry and MRD) at least five working days before the meeting.

A single person (normally JASPERS or MRD) will be agreed to prepare a note of the closing meeting. This will normally be circulated to participants within a reasonable time. The note should be done in the working language agreed for the project.

#### **4.4) Other issues concerning arrangements of meetings**

Each meeting will have an agreed organiser, who will be responsible for administrative arrangements. Contacts should be made by e-mail, as far as possible. Jaspers should contact Beneficiaries indicated on the Project Description Fiches directly. Information regarding all meetings with Beneficiaries should be sent by Jaspers to the MRD Contact Person and involved sectoral ministries. For the horizontal tasks, the Beneficiaries are sectoral ministries.

An agenda of a meeting shall normally be prepared by the organiser and sent to all interested bodies at least **3 working days** before a planned meeting. All invited representatives should confirm their attendance at least **2 working days** before a planned meeting.

#### **4.5) Project completion, suspension and abandonment**

Completion of a project will normally be agreed by JASPERS and the Beneficiary, with the involvement of MRD and the relevant line Ministry. JASPERS will normally prepare a Project Completion Note ( the “**PCN**”) for all projects completed after January 2008, and this PCN will be sent to the Beneficiary with copy to the MRD Contact Person and the relevant line Ministry. JASPERS will formally confirm project closure by letter to Beneficiary, line Ministry and MRD. A copy of the closure letter (but not the PCN) may be sent to DG Regio.

Jaspers may suspend, or MRD may request JASPERS to suspend, assistance to a project in duly justified cases where it is temporarily not possible to proceed. In this case JASPERS will inform the Beneficiary, line Ministry and MRD of the reasons for suspension and the 'gateway' events required to recommence active support (for example, availability of certain information) by letter, with a copy to the European Commission. The project will remain in the Action Plan and clear gateway events for resumption of assistance will be identified.

Projects may be removed from the JASPERS Action Plan at any time at the written request of MRD. MRD will provide a brief written explanation of the reasons for the removal. JASPERS may also, in extreme cases, cancel assistance to a project by letter to MRD, and may also send a copy of the letter to DG Regio.

In all cases, JASPERS, MRD, line ministries and Beneficiaries will identify the issues to the other parties informally ahead of suspension/abandonment and make best endeavours to find a solution.

### **5. Official contacts**

For most contacts (requests for documents, arranging of meetings etc.) working contacts should be sufficient. However, if JASPERS requires official confirmation (e.g. for approval of final versions of documents produced by Jaspers) it shall contact the nominated contact person at the Beneficiary and/or the ministry in the first instance to identify to whom the contact should be made.

Jaspers should write to the Director of Department for Coordination of Infrastructural Programmes in the Ministry of Regional Development in the case of horizontal matters concerning all projects. The

Jaspers counterpart for official contacts shall be the Head of Operations or failing this, the Head of Jaspers.

## **6. Language**

English is the internal working language of use among Jaspers experts, Managing Authority, sectoral ministries and Beneficiaries.

Jaspers will ensure that key consultancy outputs (particularly Terms of Reference, Interim and Final Reports) are made available in the national language as well as English (when this is requested by the Beneficiary). It will also make best endeavours to work with documents in national language where needed (bearing in mind that not all Experts speak Polish, and extensive translation of documents may delay progress).

## **7. Intellectual property**

JASPERS, which is managed by the EIB, and its partners (European Commission and EBRD) retain copyright in any report or other material provided to national authorities, Beneficiaries or other parties under the Action. Any such report or material shall be made available by the national authority to the European Commission, upon request. Any such report or material may be used by the national authority for internal purposes and for making or preparing a grant application to the European Commission. It may not be used for other purposes or supplied to third parties without the prior written permission of JASPERS. In case if the project fiche includes specific information regarding publishing of Jaspers outputs, it is understood that the written permission is granted.

## **8. Addressing problems**

Jaspers will inform the Ministry of Regional Development about any significant problems in implementation of Jaspers assistance that, in its opinion, are not addressed in an appropriate manner by Beneficiaries. If reasonable efforts have been made by a Beneficiary and/or line Ministry which, in their opinion, have not been addressed in an appropriate manner, the Beneficiary/line Ministry will contact MRD.

## **9. Information, publicity and similar issues**

The Jaspers Regional and Head Offices provide information on JASPERS' activities. MRD and Line Ministries will ensure that enquiries are directed to the Head of Office/Head of Operations.

The Ministry of Regional Development publishes on its website (<http://www.funduszsposci.gov.pl/20072013/jaspers/>) basic information on Jaspers initiative including electronic version of the template Project Description Fiche (in English and Polish language).

Above mentioned website may also include:

- a list of projects supported by Jaspers (after a signature of an Action Plan)
- outputs of assistance provided by Jaspers (the most significant analysis, guidelines and expertise, especially for horizontal projects).

Jaspers prepares information from time to time describing its role and activities. It will provide examples of such information to the MRD Contact Person, and also to enquirers and the general public, including potential beneficiaries. It publishes from time to time a contact name of the Jaspers central coordinator within National Government for each country (in this case MRD), to whom enquiries from potential beneficiaries or the general public should be addressed.

Department for Coordination of Infrastructural Programmes at the Ministry of Regional Development may provide substantial information on Jaspers initiative in Poland, its activities and cooperation with the Managing Authority, application procedures and supported projects for governmental institutions, local authorities and potential beneficiaries. This information shall be limited to what is already in the public domain or has been agreed by JASPERS, and shall not include detailed operational information of JASPERS activities under way or completed such as Progress Reports, Project Reports or Meeting Notes.

## **10. Disclaimer**

The document regarding Implementation of Jaspers activities in Poland does not constitute a contract between Jaspers and MRD and should not be used by any third parties during any legal proceedings. Jaspers and MRD will make best endeavours to follow these working procedures. These working procedures can be updated from time to time by mutual agreement between Jaspers and MRD, they can also be discontinued or terminated upon request of either Jaspers or MRD. The other side should be informed about the termination and reasons for it in advance.