

Rules of procedure of the Monitoring Committee for the Cooperation Programme Interreg MED 2014-2020

(Version of June 2015)

Preamble

The European Union Member States Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia, Spain and United Kingdom, and the non EU Member States Albania, Bosnia and Herzegovina and Montenegro,

On the basis of:

- Regulation No 1303/2013 of the Parliament and the Council (hereafter referred to as the “CPR”), in particular articles 5, 47, 48 thereof,
- Regulation No 1301/2013 of the Parliament and the Council (hereafter referred to as the “ERDF Regulation”),
- Regulation No 1299/2013 of the Parliament and the Council (hereafter referred to as the “ETC Regulation”), in particular articles 12, 18, 23 thereof,
- Regulation No 231/2014 of the Parliament and the Council (hereafter referred to as the “IPA II Regulation”), Commission implementing Regulation No 447/2014 (hereafter referred to as the “IPA II Implementing Regulation”), as well as framework agreements No xx, yy for IPA II Countries xx, yy and IPA II Financial Decision of the European Commission no. xx for the Cooperation Programme Interreg MED (hereafter referred to as the “IPA II framework agreements and financing decision”),
- The Cooperation Programme Interreg MED (decision C(2015) 3576, dated 2nd June 2015),

And in agreement with the Managing Authority of the Cooperation Programme,
Have established a joint Monitoring Committee for the Cooperation Programme.

1. Functions of the Monitoring Committee

In accordance with articles 49 and 110 of the CPR, the Monitoring Committee:

- shall review implementation of the programme and progress made towards achieving its objectives. In doing so, it shall have regard to the financial data, common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework referred to in Article 21(1) of CPR Reg., and, where relevant, the results of qualitative analyses.

- shall examine all issues that affect the performance of the programme, including the conclusions of the performance reviews.
- may make observations to the Managing Authority regarding implementation and evaluation of the programme including actions related to the reduction of the administrative burden on beneficiaries. The Monitoring Committee shall monitor actions taken as a result of its observations.
- shall examine in particular:
 - (a) any issues that affect the performance of the cooperation programme,
 - (b) progress made in implementation of the evaluation plan and the follow-up given to findings of evaluations,
 - (c) implementation of the communication strategy,
 - (d) actions to promote equality between men and women, equal opportunities, and non-discrimination, including accessibility for persons with disabilities,
 - (e) actions to promote sustainable development,
 - By way of derogation from Article 49(3) of CPR Reg., the Monitoring Committee shall examine and decide on:
 - (a) the methodology and criteria used for selection of operations,
 - (b) the annual and final implementation reports,
 - (c) the evaluation plan for the cooperation programme and any amendment of the evaluation plan, including where either is part of a common evaluation plan pursuant to Article 114(1) of CPR Reg.,
 - (d) the communication strategy for the cooperation programme and any amendment of the strategy,
 - (e) any proposal by the Managing Authority for any amendment to the cooperation programme.
 - In accordance with article 12 of the ETC Regulation, the Monitoring Committee shall select operations and will set up a steering committee, acting under its responsibility. Regarding the selection and modification of operations, the Steering Committee, whose rules of procedures are approved by the Monitoring Committee, carries out the following tasks, with the assistance of the Joint Secretariat:
 - (a) Selection of all type of project proposals (uni-modular, multi-modular, horizontal etc.), excluding projects of axis 4 and 5, in each single step of the assessment procedure,
 - (b) Approval or rejection of changes in all types of projects requested during their implementation, excluding projects of axis 4 and 5. Minor modifications¹ are only approved by the Managing Authority.

¹ The definition of a “minor modification” will be given in the Programme manual

- (c) For the types of projects in which the subsidy contract foresees an evaluation during the implementation (e.g. transition from one module to another for multi-modular projects etc.), the Joint Secretariat will, if necessary, propose to the Steering Committee to de-commit or to redirect the projects (modification of activities, budget modification etc.)
- (d) Upon request of the Managing Authority, de-commitment of projects that have not started within time (see the Subsidy Contract and the Implementation Guide) and/or have not respected the Subsidy Contract or the Partnership Agreement.

Regarding the selection of operations, the Monitoring Committee carries out the following tasks:

- a) Final validation of the list of the projects selected by the Steering Committee
- b) Selection and modification of the projects of axis 4 and 5.

In accordance with article 18 of the ETC Regulation, the Monitoring Committee shall establish additional eligibility rules for the cooperation programme as a whole.

2. Composition

The Monitoring Committee is composed of the following members:

- Members with voting right:

One to four representatives of each participating country (with one vote per delegation), forming the thirteen national delegations.

The full members can be replaced by the person designated as substitute member or, if necessary, by a person formally delegated by the full member. In the latter case, the Chair and the Managing Authority are informed at least 5 working days before the meeting.

- Members in advisory capacity without a voting right:
 - The Managing Authority,
 - The Certifying Authority (CA),
 - Representatives of the European Commission,
 - The partnership referred to in art. 5 of the (EU) Regulation 1303/2013 and related Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds, within a limit of two persons by participating countries,
 - If necessary, a representative of each working group that the Monitoring Committee has decided to establish,
 - Representatives of National Contact Points as observers.

Each participating country shall appoint its representative(s) and provide the Managing Authority/Chair with the names and contact details of the representative(s) and

substitute(s). Any change of representatives shall be notified to the Managing Authority/Chair as soon as possible, no later than the day prior to the first meeting held after the change of representatives.

Members may, upon agreement of the Managing Authority and the Chair, invite external experts in advisory capacity.

National designations shall be made in respect of the non-discrimination principle.

3. Chair

The Monitoring Committee shall be chaired by the participating countries on an annual rotating basis. A list of chairing countries throughout the programme period is annexed to these Rules of procedure.

The Chair shall be supported by a co-chair. The co-chair shall be a representative of the country that will be the Chair the following year according to the rotating principle. The co-chair supports the Chair in the preparation, moderation and follow-up of meetings, and replaces the Chair in case of absence. If they so agree, the Chair and co-chair may share some of the Chair's duties during the meeting.

The Chair can ask the Managing Authority to chair the meeting in duly justified cases.

The Chair is responsible for the proper functioning of the Monitoring Committee.

The Chair shall draft the provisional agenda in cooperation with the Managing Authority and the Joint Secretariat.

The Chair shall convene meetings, direct the discussion, accord the right to speak, summarize and announce decisions. The Chair manages the proceedings of the meetings.

4. Meetings

The Monitoring Committee shall meet at least once a year.

The participation of the majority of national delegations representatives (at least 7 out of 13) and the presence of the Managing Authority is compulsory at the meetings for the adoption of decisions by the Monitoring Committee.

A delegation that cannot attend a meeting can send comments in writing to the Chair. These comments will be read during the meeting in the appropriate point of the agenda.

A delegation of powers can be made by a participating country to another country attending the meeting. A country cannot have more than one delegation of powers. A

specific form must be completed by the country delegating its power and must be sent to the country receiving the delegation, to the Chair and to the MA no later than 2 days before the meeting. A delegation of powers cannot be taken into account for the calculation of the quorum.

The meetings of the Monitoring Committee shall, unless otherwise decided by the Monitoring Committee, be hosted by the country chairing or co-chairing the Monitoring Committee.

Additional meetings may be convened upon request by the Managing Authority or the Chair or upon request of at least 5 national delegations.

Invitations shall be sent by the Joint Secretariat at least 20 working days before the meeting. In exceptional cases and with agreement of all members, this period can be shortened. The agenda and meeting documents shall be sent by the Joint Secretariat at least 10 working days before the meeting.

Requests for additional items to the agenda, which require a decision, can be made at the latest 5 working days before the meeting and must be submitted in writing to the Joint Secretariat.

The agenda of the meeting shall be adopted by all members at the beginning of each meeting.

The minutes, in French and English, shall be drafted by the Joint Secretariat and shall be sent in electronic format to the members by the Joint Secretariat/Managing Authority on behalf of the Chair no later than 12 working days after the meeting. The Monitoring Committee members may formulate observations or proposals of amendments no later than 15 working days after receipt of the document. In particular cases expressly identified during the MC meeting, the observations or amendments can be proposed no later than 10 working days after receiving the document. If no objections are raised, the minutes are considered as approved. In case of objections by one or more members, the Joint Secretariat shall revise the minutes accordingly, agree on a final version with the Chair, and if necessary with the countries raising the objections, and send the final minutes to the Monitoring Committee members.

5- Decision-making

Decisions of the Monitoring Committee shall be taken by consensus of the national delegations present.

In the absence of consensus, the Monitoring Committee may decide to adjourn the matter to the next meeting, to organize a written procedure or to defeat the proposal.

The list of projects selected by the Steering Committee will be sent to the Monitoring Committee for validation. The Monitoring Committee has 3 working days to validate the list, after which, the results of the selection can be published.

The Monitoring Committee shall receive the final minutes of the Steering Committee for information. The reasons for rejection of applications must be stated and this information shall be transmitted to the applicant by the Managing Authority, including the possibility to appeal.

A written procedure may be initiated by the Managing Authority, after consultation with the Chair upon justification of the need for a quick decision. The Joint Secretariat, on behalf of the Chair, shall send a proposal to all members, who have 10 working days to respond. If a written objection is raised, the matter shall be clarified and consensus between the delegations/members shall be sought by the Chair. If no final decision can be made, the matter shall be put on the agenda of the next Monitoring Committee meeting. Members can withdraw objections at any time. If no objections are raised or if there is no feedback from participating states, the decision is deemed as taken and the Joint Secretariat shall inform all members.

The provisions related to quorum (see article 4) do not apply to written procedures.

No written procedure shall be organized during the month of August or during the last 10 days before the end of the year.

If the Managing Authority has doubts about the legality of a decision by the Monitoring Committee, the decision shall be subject to clarification. The Managing Authority may seek support of the participating countries and the Commission in clarifying the matter. If the decision was not legal, the decision becomes null and void. Otherwise, the Monitoring Committee decision shall be deemed as valid and the Chair/Managing Authority shall inform the members.

6 - Code of Conduct and working principles

Members of the Monitoring Committee are bound to observe the following rules of conduct:

- To participate in all meetings as well as in written procedures, when necessary,
- To act in the interest of an efficient implementation of the cooperation programme, in accordance with the scope and objectives of the programme,
- To take decisions in the public interest and not to act in the purpose of obtaining financial advantages or other benefits for themselves or for others,
- To declare to the Chair by completing the form about conflict of interest (see document attached), at the beginning or during any meeting, any situation of conflict of interest in which they might be in regard to the discussions on a specific matter. In such case, the member shall be excluded from discussion and decision on the subject and could be asked to leave the room until a decision has been taken on the matter,

Meetings of the Monitoring Committee are confidential in nature and its members are bound to confidentiality. Members are not entitled to disclose any details of meeting discussions. This obligation shall remain in force after the end of their mandate.

In case these provisions are not respected by a member, he/she may be revoked by the Chair, and shall be replaced by the institution, after clarification has been provided in the matter.

These provisions shall equally apply to voting members, their substitutes, members in advisory capacity as well as observers and any other experts invited.

7- Advisory groups and working groups

The Monitoring Committee, upon initiative of the Chair, may set up advisory/working groups or task forces, or other arrangements to support programme implementation. Their composition shall be decided according to the thematic needs and types of expertise needed.

Unless otherwise specified, such groups are bound to the same rules as the Monitoring Committee. The Monitoring Committee shall be informed about the work of such groups. The advisory groups or task forces can make proposals to the Monitoring Committee on issues related to programme implementation. The advisory/working groups or task forces have no decision rights.

8- Working languages

In order to support active participation of all members and limit the risks of misunderstanding, English and French shall be the official languages for the Monitoring Committee meetings, where simultaneous translation is provided. Documents shall be made in these two languages.

9- Secretariat and organisation

In accordance with article 23(2) of the ETC Regulation, the Monitoring Committee shall be supported by the Joint Secretariat acting under the responsibility of the Managing Authority, in carrying out its respective functions. In particular, the Joint Secretariat is responsible of the preparation of all documentation related to Monitoring Committee meetings and of drafting the minutes in coordination with the Chair.

10- Revision

After adoption, the rules of procedure may be revised by the Monitoring Committee.

11- Validity

These Rules of Procedure shall enter into force at the first meeting of the Monitoring Committee. They shall remain valid until acceptance of the programme closure documents by the European Commission.

Annexes:

- Delegation of powers template
- Declaration on conflict of interest template
- MC Chairmanship schedule