

**Rules of Procedure**  
of the  
**Monitoring Committee**  
for the implementation of the Interreg IPA Romania -Serbia Programme

September 2022

## I. PREAMBLE / LEGAL BASIS

The Member State, Romania and the non-EU Member State, Republic of Serbia

On the basis of:

- Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 - establishing the Instrument for Pre-Accession Assistance, (IPA III);
- **Interreg IPA Romania -Serbia Programme** approved by the European Commission (EC) on 19 July 2022 (Decision No. 5322);
- Regulation No. 2021/1060 of the European Parliament and of the Council (hereafter referred to as the new “CPR”), in particular articles 38, 39, 40 and thereof;
- Regulation No. 2021/1059 of the European Parliament and the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments, in particular articles 28, 29, 30 thereof;

And in cooperation with the Managing Authority of the **Interreg IPA Romania -Serbia Programme**.

Have established a Monitoring Committee (hereinafter referred to as MC) for the implementation of the Programme.

## II. TASKS OF THE MONITORING COMMITTEE

The Monitoring Committee shall supervise the implementation of the Programme and shall satisfy itself as to the effectiveness and quality of implementation of the Programme and the accountability of the selected operations.

1. The monitoring committee shall examine and/ or approve:
  - a) shall examine the implementation of the programme and progress made towards achieving its milestones and targets. 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 the target values;
  - b) any issues that affect the performance of the programme and the measures taken to address those issues;
  - c) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
  - d) the implementation of communication and visibility actions;
  - e) the progress in implementing operations of strategic importance and large infrastructure projects;
  - f) the progress in administrative capacity building actions stemming from the provisions of art. 8 of Regulation 1060/ 2021.
2. In addition to its tasks concerning the selection of operations listed in Article 22 of the

Interreg Regulation 2021/1059, the monitoring committee shall approve:

- a) proposals made by the managing authority for the amendment of a programme;
- b) the methodology and criteria used for the selection of operations, after notifying the Commission where requested;
- c) at the request of the Commission the managing authority shall notify the selection criteria to the Commission prior to their initial submission to the monitoring committee or, where applicable, the steering committee. The same shall apply for any subsequent changes to those criteria.
- d) proposals made by the managing authority for the amendment of the Interreg programme including for a transfer in accordance with Article 19(5); and
- e) the final performance report.

In fulfilling its role, the MC shall have the following tasks:

***(1) Strategic - with long-term strategic implications on programme implementation***

- a) It may propose, consider and approve any revision or examination of the Programme likely to make possible the attainment of its objectives or to improve its management, including its financial management;
- b) It approves the Communication Strategy and any revision of this strategy and supervises its implementation, the information and publicity measures performed and the means of communication used;
- c) It approves the Evaluation Plan and any revision of this plan;
- d) It approves the Technical Assistance Strategy, as well as its revision, at the proposal of the MA;
- e) It shall be responsible for selecting projects, according with art. 22 of the Interreg Regulation 2021/1059;
- f) It shall coordinate with other national and EU funded programmes and policies (e.g.: in case of overlapping, a decision will be made on where is the biggest interest for funding);
- g) It shall analyse the opportunity to allow and approve an extension of the deadline for submission of project proposals;
- h) It shall analyse the opportunity and approve the organization of another call for proposals if the launched financial allocation is not covered by the projects that have passed the evaluation process;
- i) It shall analyse the opportunity for a targeted call for proposals for the underused priorities or for reaching the targets of a certain priority.

***(2) Financial - with impact on the programme budget (allocations, re-allocations, use of funds)***

- j) It approves the proposals sent for examination by the MA, regarding the modification of

the financial allocations between the priority axes of the Programme as well as between the indicative breakdown for categories of intervention;

- k) It shall analyse the opportunity and approve to reallocate available funds from the programme for a specific call for proposals, at any time;

***(3) Regulatory - establishing rules for programme implementation***

- l) Approves its own rules of procedure, as well as any other revision of these rules, in agreement with the MA and NA;
- m) It shall consider and approve the criteria comprised in the Application package for selecting projects financed by the Programme before the launching of the call for proposals and approve any revision of those criteria in accordance with programming needs;
- n) It shall ensure that submitted project applications are evaluated according to the approved selection criteria and that recommendations of assessors are taken into account;
- o) It shall decide on the launch of the calls for proposals and the approach chosen for selecting projects, including for projects of strategic importance and large infrastructure projects.
- p) The MC shall approve any modifications to the subsidy contract and its annexes.

The competences of the MC shall persist until the Programme is wound up.

**III. COMPOSITION OF THE MONITORING COMMITTEE**

Members of the Monitoring Committee are comprised in Annex 1 and shall be published on the programme website, for transparency purposes.

Each member/ observer shall appoint its representative(s) and their deputy(ies) and provide the Secretariat with the names and contact details of the representative(s)/ deputy(ies).

The members & observers are entitled to substitute their representatives by appointment of deputies, or, in case neither the representative nor the deputy can participate, by sending substitutes to the meetings with a written mandate (Annex 3). Any change of representatives (and deputies) shall be notified to the MC Secretariat as soon as possible, no later than the day prior to the next meeting.

Designation and replacement of the representatives, deputies and observers shall be made by the institution represented in the MC, through written notification sent to the MC Secretariat.

The representatives of the MC members/ observers are persons that have decision-making power, and are delegated by the institutions mentioned in the Annex 1 of the present Rules of procedure.

The deputies have voting rights only in the absence of the representatives.

Representatives and/or deputies of the MC shall:

- Attend MC meetings and the decision making process;

- Participate to the decision-making process through the written procedure, according to the present Rules of procedures;
- Bring to attention relevant aspects regarding the implementation of the Programme;
- Fulfill the decisions of the MC;
- Inform the MC about the activities developed in the bodies they represent and which are related to the Programme;
- Contribute to achieving the decisions of the MC, according to their responsibilities.

Members of the MC included in Annex 1 of the present Rules of procedures may delegate observers/ advisors to participate at the MC meetings with an exclusively consultative role, without voting rights. At the same time, the observers may be consulted also for the decisions taken by the written procedure, when the discussed issues are in their area of competence.

The representatives/deputies end their mandate in the MC in the following situations:

- The person ends his/her activity in the institution represented in the MC;
- MC recommended the withdrawal of the membership for not respecting the Code of Conduct or for several unjustified absences (5 unjustified absences). In this case the MC secretariat shall notify that institution and request a new appointment.
- At the decision of the institution/ organisation that they represent, communicated to the MC Secretariat together with the delegation of a new person.

Representatives and their deputies shall not receive any payment for their activity in the MC.

The representatives and their deputies shall submit to the MC secretariat any changes regarding their contact details.

The Chair shall have the right to invite guests and/or experts to the MC meetings. She/ he shall inform the MC members before the meeting.

Each representative/deputy/substitute/observer/advisor will sign and submit a declaration of confidentiality and conflict of interest (Annex 2) at the beginning of the first meeting or first written procedure at which they participate. The declaration is valid during the entire mandate in the MC.

Representatives of the European Commission shall participate in the work of the MC in an advisory capacity. Representatives of the JS shall participate with a supportive function. The aforementioned parties have no right to vote.

#### **IV. CHAIRMANSHIP**

The MC shall be chaired by a representative of the Managing Authority, who conducts the meeting in an arbitrary role, not having voting right.

The MC meeting shall be co-chaired by the representative of the Serbian National Authority having voting right.

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

The Chair, as a general rule, shall:

- convene the MC meetings;
- declare the opening and closing of each meeting, direct the discussion, accord the right to speak, put questions to the vote, announce the decisions, rule on points of order, and pursuant to these rules of procedure, have control of the proceedings;
- approve the list of documents that will be submitted to all participants to the meeting, the list of the guests as well as the provisional agenda of the meeting;
- represent the MC in relation with third parties, including the mass-media, or may delegate this task;
- ensure the decision-making process based on consensus, by trying to solve any divergence that may appear during the meetings;
- sign the correspondence, the decisions and the minutes of the MC meetings.

In preparing the meetings, the Chair shall co-operate closely with the Co-chair. If they so agree, the Chair and the Co-chair may share some of the Chair's duties during meetings. However the Co-chair shall retain its voting rights at all times.

## **V. THE SECRETARIAT**

The Joint Secretariat shall provide secretarial support for the committee, and if necessary the working groups created.

The work of the Secretariat is supervised by the Chair of the Monitoring Committee.

The Secretariat:

- a) prepares the list of participants, as well as the provisional agenda of the meeting;
- b) ensures the logistical preparation and the transmission of the invitations for participation to the MC meetings;
- c) officially transmits to the MC members & observers the relevant documents by post, fax, courier, or email, with the confirmation of their receipt;
- d) provides to the representatives of the MC, at their request, all the necessary information in order to support the decision-making process in the MC;
- e) manages the decision-making process by written procedure, when the Chair and the Co-chair decide on the application of this procedure;
- f) drafts the minutes of the MC meetings and ensures the transmission of the final drafts of the minutes to all participants, as well to those members and observers who were absent;
- g) monitors the implementation of the MC decisions and ensures the exchange of information regarding this issues between the parties involved; informs the Chair of the MC

about any difficulty in the implementation of the MC decisions;

- h) receives, registers and ensures the resolving of the correspondence regarding the activity of the MC and, if requested, sends monthly to the Chair, during the first five working days of the month, a report regarding the correspondence during the previous month; in case its competences and attributions are surpassed, ensures the urgent correspondence regarding the MC to the Chair;
- i) ensures the electronic archiving of all documents regarding the MC meetings or hard copies archiving, when the former is not possible;
- j) ensures a special registry with the evidence of all the decisions of the MC;
- k) ensures the publishing and permanent updating of the webpage of the programme, with information and documents regarding the activity of the MC;
- l) supports the Chair and the Co-chair of the MC in any other matter related to the activity of the MC;

## **VI. MEETINGS OF THE MC**

1. As a general rule the MC shall meet, at least once a year (on a rotation principle, alternative in one of the participating countries, in the programme area, at the initiative of the participating countries or of the Commission. As a general rule, the meetings are held in-person, hybrid or online.
2. At the request of the hosting country the JS shall also assist with practical arrangements for meetings.
3. In case of discovering serious problems in the Programme implementation, in order to solve them, the MC can meet in extraordinary meetings, at the initiative of Chair of MC, at the request of European Commission or at the proposal of at least one-third of the MC members. The proposal shall be transmitted, in writing, to the MC Secretariat, and the Chair, in consultation with the Co-Chair, shall decide the meeting date.
4. Invitations shall be sent by the JS, together with the provisional agenda and the supporting documents, at least 10 working days before the date of the meeting. In exceptional cases, duly justified, this deadline may be shorter.
5. The deadline for the MC members & observers to send their comments on the documents and agenda to the head of the national delegation is 5 working days before the date of the meeting.
6. All comments shall be aggregated for each participating country by the head of the national delegation and sent to the Secretariat, with at least 3 days prior to the date of the meeting. The Secretariat shall send the received comments to the MA as soon as possible, in order to be addressed during the meeting.
7. The MA formulates its position regarding the received comments, position which is consequently transmitted by the Secretariat to all the MC members & observers, together with modified versions of documents, if the case, with at least 2 working days before the date of the meeting.
8. At the written request of any MC member/ observer, addressed to the Secretariat with at

least 5 working days before the MC meeting, the initial provisional agenda can be completed with other subjects, with the approval of the Chair, after consultation with the Co-chair. All the working documents for the meeting will circulate together with the provisional agenda.

9. The Secretariat may provide the members/ observers of the MC with other relevant information regarding the provisional agenda (until the day of the meeting or even during the meeting), in order for them to have at their disposal the most recent information regarding the subjects of the provisional agenda.
10. The convening of the MC meetings will always be done in written form, the invitations being submitted by email, with the obligation to confirm the participation.
11. For each meeting, a facilitator may be appointed by the MA, having as main role to present the documents and provide the necessary information and clarifications to the MC members & observers.
12. At the beginning of each meeting, the agenda of the respective meeting will be adopted.
13. The MC meetings do not have a public character. The rules of procedure of the MC and a summary of data and information, including decisions, approved by the MC shall be published on the website of the programme, in accordance with the provisions of art. 28 of the Interreg Regulation 1059/ 2021.
14. The Minutes of the meeting, elaborated by the Secretariat and agreed with the Chair, is submitted to all the participants not later than 10 working days from the date of the meeting, by e-mail.
15. The remarks on the Minutes are submitted by each national delegation, through the head of the delegation, to the Secretariat in a period of maximum 5 working days from the sending date. In case there are no observations, the Minutes shall be considered approved. In case observations are received, these shall be resolved by the written consultation procedure.
16. The secretariat will ensure the keeping of all documents concerning the MC activity and the archives.

## **VII. DECISION-MAKING PROCESS**

1. Decisions of the Monitoring Committee shall be taken by consensus between the two national delegations. One vote per country.
2. Decisions of the MC shall only be adopted if quorum is achieved. A quorum is achieved when 50% of the MC members are present.
3. In case the quorum is not achieved at the time envisaged for starting the meeting, the meeting is suspended. The meeting will be resumed after one hour and the MC deliberates in a valid mode if the quorum is achieved. If in case the quorum is still not achieved the MC meeting will be held provided that the documents will only be discussed and submitted for approval to the MC members via written procedure.
4. Each country, under the coordination of the head of the delegation, may organise, if necessary, internal consultations prior to the MC meetings. Following these consultations any additional points or comments of the participants regarding the draft agenda or the present-



ed documents shall be sent by the head of the delegation, in form of a consolidated position to the Secretariat that will forward them to the MC chair.

5. In case that during the meetings the consensus between the two delegations cannot be reached the Chair and Co-chair shall use all appropriate channels and shall seek to resolve the differences.

6. If consensus within one delegation cannot be reached, this delegation shall take a decision based on a simple majority. In order to reach a decision, the MA shall present its proposal and, if the case, possible alternatives to this proposal. If consensus cannot be reached within the timeframe of the meeting, the Chair may decide that further consultations are needed. In this case another meeting may be convened or the adoption of decisions may be taken through voting during a written procedure.

7. If a simple majority cannot be reached within one delegation, the voting procedure for in-person, hybrid and written procedures, will be extended to all MC members (one vote/representative). No expression of a vote will mean adherence to the position of the head of the national delegation. In this case, the decision shall be taken by simple majority.

8. In case the decisions are taken via written procedure, the Secretariat submits to the MC members & observers the draft decision(s) and the necessary documents for its adoption by email, with the confirmation of receipt. Any additional points or comments of the participants regarding the presented documents shall be sent by the head of the delegation, in form of a consolidated position to the Secretariat that will forward them to the MC chair.

9. The comments or the agreement on the documents transmitted according to the written consultation procedure shall be submitted to the Secretariat in written form within maximum 5 working days from the date the documents were transmitted. In exceptional cases, the Chair with the approval of the Co-chair may reduce the 5 working days deadline. If no objection was received by the deadline, the proposal is considered approved in the sent format. In case objections are received, the Secretariat transmits all received objections to the MA.

10. The Secretariat submits to the MC members and observers the final version of the documents adopted under the written consultation procedure.

11. Material errors in approved documents may be corrected by the Secretariat, with the prior approval of the MA, under the condition that the Secretariat consequently informs all the MC members & observers and all interested parties.

12. Prior to each MC meeting or during the written procedure, the representative of the Ministry of Investments and European Projects, as well as other institutions hosting Managing Authorities shall consult the MAs regarding the points to be discussed according with the agenda and on the decisions to be adopted by the MC.

13. If during the evaluation of projects there are doubts regarding a possible State aid incidence, based on the request of the Evaluation Committee the MA shall ask for the opinion of the Competition Council in Romania.

14. In case of the project selection decision process, the observer participating on behalf of the Competition Council from Romania shall inform the members of the MC if one or more projects under discussion are subject to state-aid rules.

15. In case of project selection, the person(s) involved in a project, either personally or

through the institution they represent, cannot take part in the discussions and decision on the respective project. The person(s) concerned should leave the room when projects are discussed individually.

16. If the MA has doubts about the legality of a decision by the MC, the decision shall be taken with reservation until clarification has been brought. The MA may seek support of the partners and the Commission in clarifying the matter. If the decision was not legal, the decision becomes null and void. Otherwise the MC decision shall be deemed as valid and the Chair/ MA shall inform the members & observers.

## **VIII. CODE OF CONDUCT AND WORKING PRINCIPLES**

1. Members and observers of the Monitoring Committee are bound to observe the following rules of conduct:

- To participate in all meetings held in-person, hybrid or online, as well as in written procedures, when necessary;
- To act in the interest of an efficient implementation of the 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, at the beginning or during any meeting, or during a written procedure, any situation of conflict of interest<sup>1</sup> in which they might be with regards to the discussions on a specific subject matter. In this case, the member shall be excluded from discussion and decision on the subject matter;
- To inform their organisation after each meeting and written procedure, of the outcomes and decisions taken.

2. Meetings of the Monitoring Committee are confidential in nature and its members & observers are bound to confidentiality. Members & observers are not entitled to disclose any details of meeting discussions. This obligation shall be maintained even after the end of their mandate.

3. In case these provisions are not respected by a member, the individual may be revoked by the Chair, and shall be replaced by the organisation, after clarification has been provided to the matter.

4. These provisions shall equally apply to voting members, their deputies or substitutes, as well as observers and any other guests/ experts invited.

## **IX. COMMUNICATION**

The relations with the media shall fall within the responsibility of the Chair and Co-Chair. Any statement made by any other member of the MC shall not be considered as an official position of the MC, unless otherwise agreed.

To ensure effective and rapid communication among the members & observers and clarity of communication, the English language is the official language of the Programme and MC.

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<sup>1</sup>[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC0409\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC0409(01)&from=EN)

In exceptional cases, simultaneous interpretation to and from Romanian and Serbian languages may be provided as appropriate (e.g. at the substantial request of a MC member in written form indicated not later than 10 calendar days before the MC meeting).

The official documentation and correspondence will be sent in hard copies when necessary.

## **X. SECRETARIAT AND ORGANIZATION**

In accordance with art. 46 of the Regulation (EU) 2021/1059, the Monitoring Committee shall be assisted by the Joint Secretariat, - in carrying out their respective functions. In particular the JS is responsible for the preparation of the Monitoring Committee meetings, for drafting the minutes in coordination with the Chair and for all other tasks delegated by the Chair and Managing Authority.

## **XI. PERSONAL DATA PROTECTION**

The members/ their deputies, observers, as well as any other guests/ experts that are involved in this MC will allow MDPWA to process their personal data. The list of the persons appointed in the MC shall be published to the Programme website, according to art. 29, para. 2 of the Interreg Regulation 1059/2021. Furthermore, the photographs and/or videos taken during the event can be used on social media, on the programme's website and for the programme's communication and information activities.

Personal Data collection, processing and storage shall be performed according to the provisions of the Regulation No 679/2016 for the purpose of programming, as well as archiving and statistical purpose, by taking all technical and organizational measures necessary in order to ensure the integrity and confidentiality of personal data.

Any personal data will be processed solely for the purposes of the implementation of the **Interreg IPA Romania -Serbia Programme** by the Managing Authority and may also be passed to the bodies in charge with monitoring or inspection tasks according to the relevant European legislation for the programming period 2021-2027 or any bodies/entities authorized by the MA.

More information regarding the rights of individuals regarding the processing of personal data could be found on the official programme site: [www.romania-serbia.net](http://www.romania-serbia.net).

## **XII. FINAL PROVISIONS**

The present Rules of procedure enter into force from the date of the approval in the MC, during MC's first meeting.

These Rules of procedure may be amended whenever it is deemed as necessary, at the initiative of one third of the MC members, the MA or the NA. The modifications are approved with a decision of the MC.

**Adopted on the 19 September 2022**

## Annex 1

The list of public authorities, institutions and organizations whose representatives have member/ observer/ advisory capacity status in the Monitoring Committee

### ROMANIAN delegation:

#### MEMBERS

No	Institution
1	Ministry of Development, Public Works and Administration
2	Ministry of Education
3	Ministry of Culture
4	Ministry of Health
5	Ministry of Internal Affairs
6	Ministry of Entrepreneurship and Tourism
7	Ministry of Environment, Water and Forests
8	County Council Timiș
9	County Council Mehedinți
10	County Council Caraș-Severin
11	Regional Development Agency West
12	Regional Development Agency South West-Oltenia
13	National Council for Combating Discrimination
14	Association of Romanian Municipalities
15	Activity Foundation for Human Resources and Sustainable Development

#### OBSERVERS

No	Institution
1	Ministry of Development, Public Works and Administration
2	Ministry of Foreign Affairs
3	Ministry of Investments and European Projects
4	Audit Authority
5	Competition Council

### SERBIAN delegation:

#### MEMBERS

No	Institution
1	Ministry of European Integration
2	Ministry of Education, Science and Technological Development
3	Ministry of Culture and Information
4	Ministry of Health

5	Ministry of Internal Affairs
6	Ministry of Trade, Tourism and Telecommunications
7	Ministry of Environment
8	Standing Conference of Towns and Municipalities
9	South Banat District
10	North Banat District
11	Braničevo District
12	Central Banat District
13	Bor District
14	Podunavlje District
15	NGO - KOKORO

#### **OBSERVERS**

<b>No</b>	<b>Institution</b>
1	Ministry of European Integration
2	Ministry of Foreign Affairs
3	Ministry of Public Administration and Local Self-government
4	Governmental Audit Office of EU Funds
5	Government of Autonomous Province of Vojvodina
6	Development Agency of Serbia

#### **Permanent guests with an observer role (without voting rights):**

1. Regional Office for Cross-Border Cooperation Timișoara

**Advisors according to article 29 of the Regulation (EU) 2021/1059 of the European Parliament and of the Council on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments.**

1. European Commission

## Annex 2

### CONFIDENTIALITY AND IMPARTIALITY DECLARATION

I will preserve the confidentiality of all information and documents presented in the Monitoring Committee for the **Interreg IPA Romania - Serbia Programme** and I agree to use all this information only for achieving the objectives of the Programme. Also, I agree to respect the Code of Conduct of the Monitoring Committee for the **Interreg IPA Romania - Serbia Programme**<sup>2</sup>.

I shall communicate to my coworkers any confidential information only under the condition that they know and respect the terms of the present Declaration.

<b>Name</b>	
<b>Institution</b>	
<b>Quality (member/substitute member/observer/deputy observer/guest)</b>	
<b>Signature</b>	
<b>Date</b>	

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<sup>2</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC0409\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC0409(01)&from=EN)

Annex 3

[Organization]

To the permanent secretariat of the Monitoring Committee of the Interreg IPA Romania - Serbia Programme.

I, the undersigned, \_\_\_\_\_, member / observer of the Monitoring Committee of the Interreg IPA Romania -Serbia Programme, hereby designate Mr./Mrs. \_\_\_\_\_ to participate on my behalf to the MC meeting on \_\_\_\_\_ (date) in \_\_\_\_\_ (place), to fulfill all the tasks according to the Rules of Procedure of the Monitoring Committee and to express my position in relation to all the issues to be discussed and decided upon.

Date \_\_\_\_\_

Full name \_\_\_\_\_

Position within the MC \_\_\_\_\_

Signature \_\_\_\_\_