

**INTERREG V-A
ITALY - SLOVENIA
2014-2020
CCI 2014TC16RFCB036**

**RULES OF PROCEDURE
OF THE MONITORING COMMITTEE**

FINAL VERSION

as approved by the 1st Monitoring Committee on March 8th, 2016

According to:

- the Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013, in particular articles 5, 47, 48;
- the Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013;
- the Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013, in particular articles 12, 18, 23;
- the agreement of Member States, Slovenia and Italy, to confirm the Autonomous Region Friuli Venezia Giulia in the role of MA for the Cooperation Programme Interreg V-A Italy-Slovenia 2014-2020 (hereinafter Programme), reached at the 7th meeting of the Task Force for the establishment of the Programme;
- the Commission Decision No C(2015)9285 of 15th December 2015 that approves the Cooperation Programme INTERREG V-A IT-SI 2014-2020, CCI 2014TC16RFCB036;
- the Section 5 of the Programme;
- the Commission Delegated Regulations supplementing mentioned Regulations (EU) No 1299/2013 and 1303/2013, in particular Regulation n. 240 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds.

The Member States, Italy and Slovenia, in agreement with the Managing Authority (hereinafter MA) of the Programme established a Monitoring Committee (hereinafter MC) for the implementation of the Programme; This MC, in agreement with the MA in order to implement its mission in accordance with the EU regulations, adopts the following Rules of Procedures (hereinafter RoP) and the Declaration of Impartiality (hereinafter "Declaration"), stating values, principles and moral conduct to be followed by the members of the MC in compliance with Italian and Slovenian legal provisions concerning conflict of interests, fraud, transparency, prevention of corruption and integrity, attached as Annex 1 and considered as integral part of these RoP.

According to section 5.3. of the Programme, the MC is competent over the Programme eligible area as identified in the CP itself and shall expire with the closure of the Programme.

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ARTICLE 1 - TASKS AND FUNCTIONS

1. The MC shall supervise the implementation of the Programme in order to monitor its effectiveness and quality and the responsible implementation of the selected projects.
2. The MC shall:
 - a) adopt its RoP;
 - b) examine and approve the methodology and criteria used for selection of operations and approve any revision of those criteria in accordance with programming needs;
 - c) examine and approve the Programme evaluation plan and any amendment of the evaluation plan;
 - d) examine and approve the Programme communication strategy and any amendments of the strategy;
 - e) approve the budget and guidelines of technical assistance and any amendments of the budget;
 - f) examine and approve the annual and final implementation report;
 - g) approve calls for proposals, application package and all documents necessary for the implementation of the Programme and projects (guidelines, manuals, templates, reports);
 - h) pursuant to article 12 of the EC Regulation n. 1299/2013, select operations to be financed by the Programme;
 - i) examine and review implementation of the Programme and progress made towards achieving its objectives;
 - j) examine all issues that affect the performance of the Programme, including the conclusions of the performance reviews;
 - k) may make observations to the MA regarding implementation and evaluation of the Programme including actions related to the reduction of the administrative burden on beneficiaries. The MC shall monitor actions taken as a result of its observations;
 - l) be consulted and shall, if it considers it to be appropriate, give an opinion on any amendment of the Programme proposed by the MA;
 - m) examine and approve any proposal by the MA for any amendment to the Programme;
 - n) examine progress made in implementation of the evaluation plan and the follow-up given to findings of evaluation;
 - o) examine the implementation of the Programme communication strategy;
 - p) examine the implementation of action plans;
 - q) examine actions to promote sustainable development;
 - r) examine actions to promote equality between men and women, equal opportunities and non-discrimination;

s) examine financial instruments;

t) either take any measure aimed at solving any significant problem encountered in implementing the CP, or support the MA in taking the above mentioned measures, in line with the CP (in particular Section 7). The MA decides over minor amendments in projects.

3. Besides the above mentioned tasks, the MC shall provide a common platform for information exchange and discussion on issues related to the implementation, evaluation and adjustments of the CP in order to secure high quality of the implementation process.

ARTICLE 2 - COMPOSITION

1. According to article 48 of EC Regulation 1303/2013, the MC is composed by full/voting members and members with an advisory/non-voting capacity.

2. The MC **full/ voting members** are 14 and are designated by the following:

a) In Italy the following Authorities will designate their full/ voting members:

Three representatives from National level:

- one representative for the Agency for territorial cohesion - General Directorate for Regional Unitary and EU Policy;
- one representative of the Presidency of the Council of Ministers - Department of Cohesion Policy;
- one representative for the Ministry of Economy and Finance - General Inspectorate for the Financial Relations with the European Union (IGRUE);

Four representatives from Regional level:

- two for the Autonomous Region Friuli Venezia Giulia;
- two for Veneto Region.

b) In Slovenia the following Authorities will designate their full/ voting members:

- two representatives of the National Authority, Republic of Slovenia, Government Office for Development and European Cohesion Policy;
- one of Ministry of the Economic Development and Technology;
- one of Ministry of Education, Science and Sport;
- one representative of Ministry of Culture;
- one of Ministry of the Environment and Spatial Planning;
- one representative of the Office of the Republic of Slovenia for Slovenians Abroad.

3. The above-mentioned Institutions can designate also one or more deputies belonging to their staff.

4. Should a MC member not be able to participate to a meeting, he/she will communicate in writing to the Joint Secretariat (hereinafter referred as JS)/ MA the name of the participating deputy.
5. Each MS shall formally communicate to the MA the names and contact details of its designated representative(s) and deputies.
6. In exceptional and duly justified cases, should neither the designated member nor no one of his/her deputies be able to participate to the meeting, the mentioned Institutions are entitled to send a substitute representative and inform the Chair three days before the MC's meeting.
7. In no case a full/voting member can authorize any other member, also those in advisory capacity/non-voting, to represent him or her.
8. Programme Authorities/structures/bodies shall be invited to the MC meetings.
9. Shall participate in the work of the MC with advisory/non-voting capacity the representatives of the following:
 - a) the European Commission, according to the Art. 48 (3) of the Regulation (EU) No 1303/2013;
 - b) the representatives of Environmental Authorities;
 - c) the Office of the Intermediate Body (OIB) of the I.T.I., according to art. 47 and 48 of the Regulation (EC) n. 1303/2013 and of the provisions set within the Programme;
 - d) the representatives of the following:

For Slovenia:

- i. one representative of the Ministry of Foreign Affairs;
- ii. one representative of the Government Office of Nationalities;
- iii. one representative of Chamber of Commerce and Industry of Slovenia;
- iv. one representative of Cohesion Region Eastern Slovenia;
- v. one representative of Cohesion Region Western Slovenia;
- vi. one representative of NGOs "Kulturno izobraževalno društvo PiNA, CNVOS".

For Italy:

- i. one representative of local Authorities of Autonomous Region Friuli Venezia Giulia;
- ii. one representative of the urban area "Città metropolitana di Venezia" of Veneto Region;
- iii. one representative of Chamber of Commerce of Venezia and Rovigo and Delta Lagunare of Veneto Region;
- iv. one representative of the network of the Chambers of Commerce of Autonomous Region Friuli Venezia Giulia (UNIONCAMERE FVG);

- v. one representative of the worker trade Unions CGIL, CISL, UIL of Autonomous Region Friuli Venezia Giulia;
 - vi. one representative of the Local Action Groups (VeGAL) of Veneto Region;
 - vii. one representative of research institutions of Veneto Region (Consiglio Nazionale delle Ricerche - CNR/Istituto di Scienze Marine - ISMAR);
 - viii. one representative of Slovenian minorities in the Autonomous Region Friuli Venezia Giulia;
 - ix. one representative of Italian minority in Slovenia;
 - x. one representative of the public Authorities responsible for the application of horizontal principles of the Autonomous Region of Friuli Venezia Giulia (Consigliere di parità).
10. MA or MS delegations may, upon prior written agreement with the MA on individual cases, invite external experts and guests to the MC meetings. The Chair shall inform the MC members at the beginning of the meeting of such presence. Their role is to provide information according to their expertise on the relevant topic.
11. In compliance with Art. 48 (2) of the of the Regulation (EU) No 1303/2013, the list of the members of the MC shall be published on the official website of the Programme.

ARTICLE 3 - CODE OF CONDUCT AND WORKING PRINCIPLES

1. In compliance with article 12 and 13 of Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the ESI Funds and in compliance with section 5 of the CP, in order to enhance legality, independence, impartiality, transparency and to preserve the confidentiality of its work and to avoid any conflict of interest in the decision making process, MC members as listed in article 2, points 2, 9, 10, 11 shall sign the Declaration acknowledging their obligations.
2. All MC members shall sign the Declaration once at the beginning of their first participation to the MC. It is responsibility of each representative to duly formally inform the MA in case of any change of his/her position in respect to conflict of interest or any other situation which could infringe the principles contained in the Declaration.
3. The MA and the other MC members shall bear no responsibility in case of omitted or false declarations of any other member.
4. MC Members are bound to observe the rules of conduct included in the Declaration, in particular:
 - a) to participate in all meetings as well as in written procedures;

- b) to act in the interest of an efficient implementation of the Programme, in accordance with its scope and objectives;
- c) 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;
- d) to declare to the Chair, at the beginning or during the meeting, any situation of conflict of interest in which they might be with regards to the discussion on a specific topic. In this case, the member shall be excluded from discussion and decision on that topic (and leave the room until a decision has been taken on that point). Exclusions caused by conflict of interest shall not impact on legal number as set in article 6 point 1. Any person paid by an approved operation, except from the technical Assistance, cannot be a MC member;
- e) to ensure that any assessment and/or decision shall be expressed free from bias and in accordance with the principles stated in the Declaration.

5. MC meetings are confidential and its members are bound to confidentiality and impartiality. MC members are not entitled to disclose any details of meeting discussions. This obligation shall be maintained after the end of their mandate until Programme closure.

6. In case these provisions are not respected by a member, his/her MC membership shall be revoked by the Chair, and shall be replaced within the MC by his/her organization, after clarification has been provided on the matter. These provisions shall equally apply to full/voting members, their deputies or substitutes as well as members with advisory/non-voting capacity and any invited advisors and experts.

ARTICLE 4 - CHAIRMANSHIP

- 1. In compliance with Art. 49 and 110 of the Regulation (EU) No 1303/2013, the MC shall meet at least once a year.
- 2. The MC shall have a Chair and may have a supporting Co-Chair.
- 3. The Chair and co-Chair have no voting right.
- 4. The Head of MA shall be the Chair.
- 5. Member States shall be the host, each year, alternatively on a rotational basis as follows:

2016	Slovenia
2017	Italy
2018	Slovenia
2019	Italy
2020	Slovenia

2021	Italy
2022	Slovenia
2023	Italy

6. The hosting MS shall coordinate itself with the JS in its tasks as outlined in article 10, in particular point 2, let. a).

7. If the Chair deems it convenient the MC meetings may take place in Trieste or Udine at the premises of Region Friuli Venezia Giulia.

8. The Chair's tasks shall be to:

- a) convene the MC, as a general rule, at least once a year according to the Art. 49 (1) of the Regulation (EU) No 1303/2013;
- b) supervise for the proper MC meeting/s functioning and proceedings;
- c) draw up provisional and definite agendas in consultation with the MS, as defined in article 5;
- d) perform chairing duties during the meeting/s (e.g. declare the opening and closing of each meeting, verify the legal number of members for the running of the meeting, facilitate the discussion, accord the right to speak, announce the decisions, make sure that the Declaration is signed by all members and that the points on the agenda are discussed);
- e) facilitate the running of the meeting in order to ensure a plain and clear decision-making process, also by proposing solutions to overcome lack of consensus;
- f) assist the JS in drafting the short minutes for their formal approval by the MC.

9. The two MS delegations shall work close with the Chair for a smooth and plain implementation of the Programme.

ARTICLE 5 - MEETINGS

1. The JS, on behalf of MA in its function as Chair of the MC, shall convene the members of the MC at least 15 working days before the date of the meeting by written communication, sent by e-mail (or eventually, for particular needs by fax), indicating the day, the place and the time of the meeting and including provisional agenda.

2. It may be requested to the MA to convene a MC's meeting in duly justified cases also upon request of the MS.

3. Any MC members' proposition for adding a new item to the agenda - on which a decision is considered as necessary - must be communicated by written form to the Chair within the following 5 working days. MC members can propose to add additional items to the agenda at the

meeting itself, subject to approval of MC, with the exception of decisions on documents related to financial issues.

4. On behalf of the Chair, 10 working days before the scheduled meeting, the JS shall make the documents referring to the items on the provisional agenda available either by email or on the web site by communicating it to the members of the MC.

5. In cases of urgency, the Chair can integrate the agenda beyond the above mentioned deadlines duly informing MS.

6. The agenda shall be adopted at the beginning of each meeting.

7. Deadlines as indicated above in previous points 1, 2, 3 of this article may be lengthened by the Chair in vacation times (i.e. Christmas, August).

8. The Chair shall duly inform all full/voting members on the participation of substitute representatives, as in art. 2, point 7.

9. The Chair may convene a technical preparatory meeting to be held on the day before the MC's meeting open to the participation of all MC's members.

10. MC meetings are not public.

11. At the end of each meeting, the Chair shall summarize the main points discussed and the decisions taken. A written synthesis of the decisions approved (so called "short minutes") shall be provided by the JS in English, as annex to the "long minutes" of the meeting, duly signed by all present full/voting members.

12. Draft "long minutes" are prepared by the JS in English language, in consultation with the Chair, and circulated via e-mail to the MC members not later than 7 working days after the meeting has taken place. The "long minutes" shall be a summary of the discussion and decisions taken, where also the disagreements are reported.

13. The members to the meeting can formulate their observations or proposals for amendments of the minutes not later than 7 working days after receipt of the document.

14. If no observations are made within the mentioned deadline the MC's members shall be informed via email that long minutes are approved with no amendment.

15. If observations are made, the JS, after consultation with the Chair, shall amend the long minutes accordingly and send the revised long minutes for approval through written procedure. If no agreement is reached, the controversial points will be discussed again through written procedure or in the following MC and the rest is considered as approved.

16. Communication among the MC members and between JS and MC members shall generally be done by e-mail. Any document must be transmitted either by e-mail or provided for download from the official website of the Programme or from eventual other web platform.

17. Any necessary practical/organisational/logistic arrangements shall be taken by the host MS with the JS.
18. The MC ensures an appropriate and transparent information on its activities. In this meaning, after MC meetings, the JS shall public on the Programme website the approved short minutes in bilingual version.
19. The expenditure for the organization of the MC/PMG/technical working groups meetings are covered by the Programme Technical Assistance budget.
20. In exceptional and justified circumstances, MC meetings can be followed via conferencing system by actors as listed under points 9, 10 and 11 of article 2.

ARTICLE 6 - DECISION-MAKING

1. The MC is legally convened and its decisions are legally made when at least 4 full/voting members from each MS delegation are present at the meeting. The verification of the legal number of the full/voting members will be checked by the Chair at the beginning of each meeting and before taking any voting decision on the points of the agenda.
2. Decisions are made, in compliance with principles, values and moral conduct stated in the Declaration.
3. Decisions on the basis of the Programme rule “one Country, one vote” shall be divided into a two-step procedure.
 - a) First step, each MS delegation forms internally its own position generally by consensus, or on majority rule, provided the MS delegation’s quorum is reached.
 - b) Second step, according to the principle on “one Country, one vote”, each MS delegation shall have one vote, a decision is made when it receives unanimous vote by the two MS delegations. Each MS delegation expresses its vote through its spokesperson/ head of delegation, designated at the beginning of each meeting.
 - c) In a residual way in case of no consensus is reached, the Chair may initiate a written procedure according to article 7 or postpone the decision to another MC meeting.

ARTICLE 7 - WRITTEN PROCEDURE

1. The written procedure shall be launched by the Chair through the JS in exceptional cases by the request of one MS delegation or upon decision of the MA. This procedure shall not be used in the month of August.
2. The Chair shall launch a written procedure by sending to all MC members the proposal at stake with all relevant documents

3. The MS delegations shall express their position in a written form via e-mail, through their spokesperson/head of delegation, not later than 10 working days from the date of the launch of the written procedure itself.
4. As set in article 6, point 3, each MS delegation forms internally its own position by consensus or internal majority, before expressing their position.
5. In exceptional cases, the MA can launch an emergency written procedure with shorter deadlines, but in any case not shorter than 5 working days.
6. The proposal shall be **adopted if no objections** are raised by the two MS delegations within the mentioned period.
7. If **any written objections** are received within the deadline set in point 3., the MA shall conclude the procedure presenting the final determination taken by the Chair either:
 - a) in case of technical comments, the proposal is **approved with those minor modifications**;
 - b) with the proposal's **rejection** in the case of lack of consensus among the two MS delegations. Each MS delegations objections must be clearly motivated and explained. A new consensus between the MS delegations shall be sought, taking into account the motivations at the basis of the MS delegations previous rejection. Each MS delegation shall present its decision on the objection within 10 working days;
 - c) if the outcome is a **new rejection** and no final decision can be reached within 1 month of the initial launch of the written procedure, the matter shall be put on a MC's meeting agenda which date shall be decided in the most effective time.
8. In case that the MA has reasonable doubts that a decision is not compliant with the Programme or when it can jeopardize the sound and plain management of the Programme or leading to risk of irregularities, it may suspend the entry into force of the decision itself, until further clarification is obtained.
9. MS delegations can withdraw objections any time.
10. The JS shall close the procedure by emailing its outcome to the MC with final approval or by launching a new written procedure or prolonging deadlines and finally providing the final determination of the whole procedure, according to the cases set in previous points 6, 7 and 8 of this article.

ARTICLE 8 - TECHNICAL WORKING GROUPS MEETINGS (PMG)

1. In compliance with section 5 of the CP, the MC may set up technical working groups, defining the issues at core and its members.

2. The mentioned technical working groups meetings such as a “Programme Management Group” (PMG) shall be convened on specific issues whenever deemed necessary for the plain implementation of the Programme.
3. The members may include both full/voting and in advisory capacity/non-voting members of the MC to be indicated to the MA via email by the spokesperson/ head of the two MS delegations, as well as relevant experts and technical staff.
4. These meetings shall be convened by a MA’s email.
5. Representatives of the European Commission shall be invited to participate in the technical meeting.

ARTICLE 9 - JOINT SECRETARIAT

1. In compliance with Art. 23 (2) of the Regulation (EU) No 1299/2013, the JS shall assist and support the MC and eventually the PMG in carrying out their respective functions.
2. The JS/Info Point (when relevant) shall in particular:
 - a) be responsible for the organization of MC meetings;
 - b) assist the MA and the MC in performing their tasks;
 - c) convene the members on behalf of the Chair and circulate the agenda as set in art. 4;
 - d) support the Chair and co-Chair in fulfilling his/her duties;
 - e) prepare all documents necessary for the running of the MC meetings (also in its preparatory meeting and eventual PMG meetings) as well as the written synthesis of the meeting (s.c. short minutes), minutes in coordination with the Chair and written procedures, to ensure their accessibility to MC members and to monitor the follow-up of the MC conclusions;
 - f) act as a contact point for the MC and the Programme Authorities and structures;
 - g) keep all contact details of the MC members updated.

ARTICLE 10 - OFFICIAL LANGUAGES

1. Italian and Slovene are the official languages of the Programme and of the MC.
2. Simultaneous interpretation will be provided for the MC meetings and be paid out from the technical assistance funds.
3. English language could also be used among members in order to handle the informal discussion without the translation services support or whenever agreed by full/voting members as working language.

4. The working documents to be presented at the MC meetings and circulated among MC members shall be in English or, as an exception, in Italian and Slovene.
5. The MC minutes shall be drafted in English.
6. The MC short minutes shall be translated into Italian and Slovene for publication purpose as set in article 5, point 16.
7. The final versions of the official written documentation shall be translated in Slovene and Italian.
8. The working language of the eventual PMG or of other working groups meetings which might be needed shall be English with no need of translation services support.

ARTICLE 11 - VALIDITY AND REVISION

1. The RoP of the MC are adopted by consensus by the MC on occasion of its first meeting.
2. The RoP are valid until the acceptance of the Programme closure by the European Commission.
3. After adoption, the RoP can be revised by the MC by consensus of the MS delegations.

ARTICLE 12 - PROVISIONAL CLAUSE

1. These RoP are adopted in English.