

INTERREG V-A
ITALY – CROATIA
2014-2020

**RULES OF PROCEDURE
OF THE MONITORING COMMITTEE**

CCI 2014TC16RFCB042

Taken into account of:

- Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013, laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, and in particular articles 5, 47, 48;
- Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013, on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006;
- Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013, on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal, and in particular articles 12, 18, 23, 110;
- Commission Decision No C(2014) 3776, setting up the list of cooperation Programmes and indicating the global amount of total support from the European Regional Development Fund for each Programme under the European territorial cooperation goal for the period 2014 to 2020;
- Commission Decision C(2014) 3898, setting up the list of regions and areas eligible for funding from the European Regional Development Fund under the cross-border and transnational components of the European territorial cooperation goal for the period 2014 to 2020;
- The agreement of Members States, Italy and Croatia;
- Commission Decision No C(2015)9342 of 15th December 2015 approving certain elements of the Cooperation Programme "Interreg V-A Italy-Croatia" for support from the European Regional Development Fund under the European territorial cooperation goal in Italy and Croatia, CCI 2014TC16RFCB042;
- The Section 5 of the Cooperation Programme Interreg V-A Italy-Croatia 2014-2020;
- 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 participating in the Programme, Italy and Croatia, in agreement with the Managing Authority (hereafter MA) of the Cooperation Programme, decided to establish a Monitoring Committee (hereafter MC) for the implementation of the Cooperation Programme Interreg V-A Italy-Croatia 2014-2020 (hereafter Programme); this MC, in agreement with the MA, in order to carry out its duties in accordance with the EU regulations, adopts the following Rules of Procedures (hereafter RoP).

ARTICLE 1 – DURATION AND TERRITORIAL COMPETENCE

The MC is competent, from the date of its establishment, over the Programme eligible area as identified in the Commission Decision C(2014) 3898 and shall expire with the acceptance of the Programme closure by the European Commission.

ARTICLE 2 – COMPOSITION

1. The MC composition was agreed by the Member States participating in the Programme, during the Task Force meeting held on February, 16th 2016, following the lines provided by Section 5 of the Cooperation Programme Interreg V-A Italy-Croatia 2014-2020; it includes MSs relevant representatives, in accordance with art. 5.2 of CPR and the relevant representatives set forth by the Commission Delegated Regulation (EU) No 240/2014 – Code of Conduct for partnership (hereafter CoC); representatives of the economic and social partners and bilateral non-governmental organisations, bodies representing civil society (e.g.: environmental partners, non-governmental organizations) are involved in accordance with art. 10.2 of CoC.
2. Each Member State shall be equally represented and complying with the partnership principle in managing, monitoring and evaluating the operations in all stages of the Programme implementation.
3. The list of members of the MC shall be published, under the responsibility of the MA, on the Programme web site.
4. The MC is composed by voting members and members in advisory capacity (non-voting).
5. The MC **voting members** are designated as follows:
 - a) Italian delegation: the following Authorities will designate their members:
 - two Representatives from National level:
 - one representative for the Agency for territorial cohesion;
 - one representative of the Presidency of the Council of Ministers (Department for cohesion policy);
 - two representatives from Regional/local level:
 - one from Autonomous Region of Friuli Venezia Giulia;
 - one from Emilia Romagna Region;
 - b) Croatian delegation: the following Authorities will designate their members:
 - two representatives from National level:
 - one representative for Ministry of Regional Development and EU Funds;
 - one representative for Ministry of Maritime Affairs, Transport and Infrastructure;
 - two representatives from Regional/local level:
 - one from Ličko-senjska County;
 - one from Istarska County.

6. Each MS shall formally communicate to the MA the names and contact details of its designated representative(s) and deputies (voting members). The above-mentioned Institutions can designate also one or more deputies belonging to their staff. Should a voting member not be able to participate in a meeting, he/she will communicate in writing to the Chair of the MC and to the Joint Secretariat (hereinafter referred as JS) the name of the participating deputy at least one working day before the scheduled meeting date. Should neither the designated voting member nor anyone of his/her deputies be able to participate in the meeting, the concerned Authority shall/may agree with the Chair to send a substitute representative; the name of the participating substitute shall be communicated in writing to the Chair of the MC and to the JS at least one working day before the scheduled meeting date. In no case a voting member can authorize any other voting or non-voting member to vote on his/her behalf.

7. The MC **members in advisory capacity** are designated as follows:

a) Representatives of public authorities

Ref. art. 4 co. 1 (a) (ii) of CoC:

- one Italian representative of educational institutions, university and research centers;
- one Croatian representative of educational institutions, university and research centers;
- one Italian representative of major urban Authorities;
- one Croatian representative of major urban Authorities;

Ref. art. 4 co. 1 (a) (iii) of CoC:

- one Italian public authority responsible for the promotion of equal treatment;
- one Croatian public authority responsible for the promotion of equal treatment;
- one Italian representative of Environmental Authorities;
- one Croatian representative of Environmental Authorities;

b) Representatives of economic and social partners

Ref. art. 4 co. 1 (b) (i) of CoC:

- one representative for Italy;
- one representative for Croatia;

Ref. art. 4 co. 1 (b) (ii) of CoC:

- one representative for Italy ;
- one representative for Croatia;

c) Representatives of bodies representing civil society

Ref. art. 4 co. 1 (c) (i) of CoC:

- one representative of the environmental partners for Italy;
- one representative of the environmental partners for Croatia;
- one representative of the bodies responsible for promoting social inclusion and non-discrimination for Italy;
- one representative of the bodies responsible for promoting social inclusion and non-discrimination for Croatia.

8. The members in advisory capacity representing public authorities, economic and social partners and civil society will be communicated:

- for Italy, by the National Committee of the Programme that respects, in its composition and functioning, the Delegated Regulation (EU) No 240/2014 – Code of Conduct;
- for Republic of Croatia, by Ministry of Regional Development and EU funds.

9. The MC also includes in advisory capacity, representatives of:

- European Commission;
- Managing Authority;
- Joint Secretariat, with the role of support for the Monitoring Committee;
- Audit Authority.

The Certifying Authority shall participate by invitation of the MC Chair, where necessary.

10. The MC Chair, on its own initiative or at the request of MA or MS delegations may, upon prior written communication to the MA in 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. As a general rule, can always be invited:

- the MAs of other ETC Programmes insisting in the area, in order to improve coordination and foster synergies in the implementation of territorial cooperation for the sustainable development of the Programme area;
- the representatives of EU Strategy for the Adriatic and Ionian Region (EUSAIR), in order to foster the macroregional strategy implementation;
- the experts responsible for the Programme ongoing evaluation.

ARTICLE 3 - TASKS AND FUNCTIONS

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 is in charge of reviewing the implementation of the Programme and the progress made towards achieving its objectives, as well as of examining all issues that affect its performance. It may make observations with regard to the implementation and evaluation of the Programme, including actions related to the reduction of the administrative burden. In addition to the tasks reported in art. 110 of CPR, the MC shall ensure the respect of horizontal principles (art. 7 CPR), the examination of all issues affecting the Programme performance (art. 21 and 49 CPR), the approval of the evaluation plan and its amendments (art. 56 CPR), the approval of appropriate project selection procedures and criteria (art 12. of ETC

Regulation), the approval of annual and final implementation reports (art. 50 of CPR), the approval of the communication strategy (art. 116 CPR).

3. In particular, the MC shall:

- a) examine and approve the methodology and criteria to be used for selection of operations and approve any revision of those criteria in accordance with the Programme needs;
- b) examine and approve the Programme evaluation plan and any amendment of the evaluation plan;
- c) examine and approve the Programme communication strategy and any amendment of the strategy;
- d) approve the budget and guidelines of technical assistance and any amendment of the budget;
- e) examine and approve the annual and final implementation report;
- f) examine and approve any proposal by the MA for any amendment to the Programme;
- 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 No 1299/2013, select operations to be financed by the Programme;
- i) examine any issue that affects the performance of the Programme;
- j) examine the implementation of the Programme and progress made towards achieving its objectives;
- 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 and shall monitor actions taken as a result of its observations;
- l) examine progress made in implementation of the evaluation plan and the follow-up given to findings of evaluation;
- m) examine the implementation of the Programme communication strategy;
- n) examine the implementation of action plans;
- o) examine actions to promote sustainable development;
- p) examine actions to promote equality between men and women, equal opportunities and non-discrimination;
- q) examine possible financial instruments;

- r) decide on the possibility to finance the implementation of part of operations located outside the Programme area, in accordance with art. 20 of ETC Regulation; consider actions to boost the implementation of the EUSAIR macroregional strategy;
- s) promote and coordinate synergies, where appropriate, with other ETC Programmes insisting in the cooperation area;
- 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 this respect, it may also decide on major questions affecting the implementation of projects (e.g. postponement of deadlines, changes of leaderships/partnerships of the projects, budget shifts over 20% of the financial plan of the projects, withdrawal of the contribution assigned to the projects, in line with provisions included in the calls for proposals and in the subsidy contracts). The MA decides over other minor amendments in projects on the basis of the criteria set in the Programme Manual.

ARTICLE 4 – CHAIRMANSHIP

1. The MC shall be chaired by a Member State according to a rotation principle, whereas the Managing Authority shall act as co-chair to ensure continuity.
2. The Chair shall be appointed annually as follows:
 - i. 2016 Italy
 - ii. 2017 Croatia
 - iii. 2018 Italy
 - iv. 2019 Croatia
 - v. 2020 Italy
 - vi. 2021 Croatia
 - vii. 2022 Italy
 - viii. 2023 Croatia
3. As a general rule, the MC shall be hosted on a rotational basis by the country chairing the meeting; different agreements on the meetings venue can be agreed by MSs for each individual case. If the Chair deems it convenient, the MC meetings may take place in Venice at the premises of Veneto Region.
4. The Chair, with the support of the MA, shall:
 - a. supervise for the proper MC meeting/s functioning and proceedings;
 - b. draw up provisional and definite agendas in consultation with the Member States and MA with the support of JS;

- c. Perform, with the support of the JS, chairing duties during the meeting (e.g. declare the opening and closing of each meeting, verify the legal number of participants for the running of the meeting, facilitate the discussion, accord the right to speak, announce the decisions, summarize the decisions taken at the end of each point of the agenda, make sure that the attendance list and the declaration foreseen in art 5 point 8 are signed by all participants and that all the points on the agenda are discussed, have control of the proceedings);
- d. coordinate the drafting of the short minutes (art. 5 point 9) by the JS and provide for its formal approval;
- e. be responsible for the proper functioning of the MC meeting.

ARTICLE 5 – MEETINGS

1. The MA, supported by JS, on behalf of the 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, indicating the day, the venue and the time of the meeting and including a draft agenda. The indicated deadline could be shortened in duly justified cases, upon agreement between MSs.
2. Any MC member can propose to add a new item to the agenda by communicating it in writing to the Chair, to the MA and to JS, 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 Chair, hearing the opinion of MA, with the exception of decisions on documents related to financial issues. If a request to change the draft agenda is made, the MA, on behalf of the Chair, communicates the definitive agenda to the members of MC immediately after the expiry of the deadline mentioned above.
3. On behalf of the Chair, 10 working days before the scheduled meeting, the MA, must make the final agenda and the documents referring to the items to be discussed available either by e-mail or on the devoted repository, by communicating it to the members of the MC.
4. In cases of urgency, the Chair can integrate the agenda beyond the above mentioned deadlines duly informing all MC members.
5. The Chair shall duly inform all MC members on the participation of substitute representatives, as in art. 2, point 6.
6. MC meetings are not public.
7. In compliance with the principle of “one Country, one vote”, at the beginning of each meeting, the Member State delegations have to announce to the Chair the Head of the Delegation that is entitled to express the MS position on the issues that will be discussed.

8. At the beginning of each meeting, the Chair will make sure that each MC member has signed the attendance list that also contains a confirmation of the declaration that the decisions assumed are free from bias and are not influenced by any partial personal or organizational interests of any of its individual members.
9. 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 before the end of the meeting, as annex to the minutes of the meeting, duly signed by all present voting members.
10. Draft minutes are prepared by the JS, in consultation with the Chair and MA, and are circulated via e-mail to the members of the MC not later than seven working days after the meeting has taken place. The minutes shall be a summary of the discussion and decisions taken.
11. The participants in the meeting can formulate their observations or proposals for amendments of the minutes not later than 7 working days after receipt of the document.
12. If no observations are made within the mentioned deadline MC’s members shall be informed via email that minutes are approved with no amendment.
13. If observations are made, the JS, after consultation of the Chair and MA, shall amend the minutes accordingly and send the revised minutes for approval through written procedure.
14. Communication among the members of the MC and between JS and the members of the MC shall generally be done by e-mail. Any document must be transmitted either by e-mail or provided for download from the devoted repository.
15. Any necessary practical/organisational/logistic arrangement shall be taken by the Chair with the support of JS and MA.
16. The expenditure for the organization of the MC meetings and MC preparatory meetings are covered by the Programme Technical Assistance budget. MC members travel and accommodation costs can be reimbursed, upon request of those concerned, and charged on the Technical Assistance budget. For reimbursement, costs must be eligible in accordance with the eligibility rules of expenditures.

ARTICLE 6 - DECISION-MAKING

1. The MC is legally convened and its decisions are legally made when at least 4 voting members – 2 from each Member State - are present at the meeting. The verification of the legal number of the 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 article 11, through a two-step procedure:
 - a. each MS delegation forms internally its own position by consensus. Inability to reach internal consensus implicates a negative vote of the MS delegation. In expressing its vote, the delegation gives evidence of how non-voting members advice has been taken into account;
 - b. according to the principle of “one Country, one vote”, a decision is made when it doesn’t receive any negative vote by the two MS delegations.
3. If the consensus is not reached, and there is a negative vote of one MS Delegation, the Chair decides whether the decision is postponed or defeated and provides the MC with an explanation of the decision. If there is a negative vote of both MS Delegations, the decision is defeated.
4. If a decision needs to be taken before the next MC meeting, the Chair, in agreement with the MA and with the support of JS, initiates a decision-making process in writing (written procedure).
5. The MA, with the support of JS, shall send a proposal of decision to the MC by e-mail no later than 7 working days from the meeting. Each Head of the Delegation has 10 working days from the dispatch (or at least 5 in case of exceptional urgent cases; this is a decision of the Chair, in agreement with MA) to answer to the e-mail with a positive or negative response. The non-reply is equivalent to a positive response.
6. In case of positive response of both the 2 Delegations, the MA, with the support of the JS, shall inform all the MC that the consensus is reached and the decision is taken.
7. In case of negative response of one or both the 2 Delegations, the Chair, in agreement with MA, decides to re-discuss the matter via written procedure or to place the matter on the agenda of the next meeting.

ARTICLE 7 - WRITTEN PROCEDURE

1. The MC may take decisions via written procedure with the exclusion of those of strategic relevance for which decisions adopted during joint meetings are required. Decisions that can be adopted through written procedure can be, indicatively, related to changes within the project life cycle: e.g.: duration or change of activities or partners, according to the rules stated in the Programme Manual.
2. The written procedure may be launched by the MA, on MA initiative or under request of at least one delegation.
3. In this case the MA, on behalf of the Chair, shall send the draft decision to the MC and shall fix a deadline, giving at least 10 working days (5 for urgent cases) for the reply.

4. The MS delegation of the MC shall express their position in a written form via e-mail. The non-reply is equivalent to a positive response.
5. The proposal shall be adopted if no objections are raised by voting members, expressed by the NAs (according to the principle of “one country, one vote”) within the above mentioned deadline.
6. In case of objection, the Chair, in agreement with the MA, can make a new proposal and, if it’s not accepted, the Chair decides if the issue has to be inserted in the agenda of the next MC or if a MC has to be convened.
7. The MA, on behalf of the Chair, shall inform all the members of the MC whether the decision is taken or postponed.

ARTICLE 8 - PREPARATORY MEETINGS

1. The MA and the Chair can always convene preparatory meetings of the MC.
2. The voting members of the MC and the European Commission are always entitled to take part in preparatory meetings.
3. The preparatory meetings are convened, whenever deemed necessary for the plain implementation of the Programme, on proposal of the MA, after consulting the NAs.
4. During preparatory meetings, participants shall prepare recommendations to be submitted to the MC to facilitate the decision process.
5. Preparatory meetings have to be convened at least 7 working days before the meeting by written communication sent by e-mail including the agenda. The JS is always entitled to participate in the meetings, and has to prepare the draft minutes of the meetings and circulate them via mail to the attendants, who may formulate observations to the draft minutes within 5 working days after receipt of the documents.

ARTICLE 9 – WORKING GROUPS

1. The MC may set up working groups to support Programme implementation. Their composition shall be decided according to the expertise and thematic needs, and in line with the partnership principle if relevant. The Monitoring Committee shall be informed about the work of such groups.
2. The working groups are convened, whenever deemed necessary for the plain implementation of the Programme, on proposal of the Chair or of the MA, after consulting the MSs, following the same procedure foreseen in art. 8 point 5.
3. The working groups are, as general rule, chaired by the MA or its deputy.

4. According to the technical work at stake, experts may be invited if necessary or useful to the discussion.
5. The working groups can make proposals to the Monitoring Committee on issues related to Programme implementation.
6. The working groups have no decisions rights.

ARTICLE 10 - OFFICIAL LANGUAGE

1. English is the official working language of the Programme and of the MC, as well as of the eventual preparatory meetings and of the thematic working groups.
2. No simultaneous interpretation will be provided for the MC meetings.
3. The working documents as well as the final documentation shall be in English.

ARTICLE 11 - CODE OF CONDUCT AND WORKING PRINCIPLES

1. With regard to the tasks of the MC specified in art. 3, it shall be ensured that any decision of the MC will be free from bias and must not be influenced by any partial personal or organisational interests of any of its individual members.
2. Members of the Monitoring Committee are bound to observe 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 Programme, in accordance with its scope and objectives;
 - 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, any actual or potential situation of conflict of interest in which they might be with regards to the discussion on a specific subject matter. In this case, the member shall be excluded from discussion and decision on the subject matter (and leave the room until a decision on the matter has been taken);
 - to inform their organisation after each meeting and written procedure, of the outcomes and decisions taken.
3. 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 survive after the end of their mandate.

4. Each MC member must sign an individual declaration of confidentiality and impartiality at the beginning of their mandate. The MA will send the format of the declaration with the agenda of the first MC and will be at disposal (for substitutes or guests) at the meeting reception. The declaration will be confirmed at the beginning of each meeting, as foreseen in art. 5 point 8.
5. In case these provisions are not respected by a member, he/she may be revoked by the Chair, and shall be replaced by the concerned organization, after clarification has been provided.
6. These provisions shall equally apply to voting members, their deputies or substitutes, as well as non-voting members and any other expert invited.

ARTICLE 12 - JOINT SECRETARIAT

1. In compliance with Art. 23 (2) of the Regulation (EU) No 1299/2013, the JS shall assist and support the MC in carrying out their respective functions.
2. The JS shall in particular:
 - a) be responsible, along with the MA, 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 of the MA and circulate the agenda as set in article 5;
 - d) support the Chair in fulfilling his/her duties;
 - e) prepare all documents necessary for the running of the MC meetings (also in its preparatory meetings/bilateral meetings) as well as the written synthesis of the meeting (s.c. short minutes);
 - f) prepare the minutes in coordination with the Chair and with the MA;
 - g) support the MA/Chair in launching the written procedures;
 - h) ensure the accessibility of documentation to MC members and the publication of the pertinent documents on the Programme web site;
 - i) monitor the follow-up of the MC conclusions;
 - j) act as a contact point for the MC and the Programme Authorities;
 - k) keep all contact details of the MC members updated;
 - l) drawing up documents to support the MC in the evaluation of the proposals, also relating with designated experts, and preparing the draft documents for the approval of the projects.

ARTICLE 13 - TRANSPARENCY

1. The MC ensures appropriate and transparent information on its activities.
2. In compliance with Art. 48 (2) of the Regulation (EU) No 1303/2013, as stated in art. 2 point 3 of the present RoP, the list of members of the MC shall be published, under the responsibility of the MA, on the Programme web site.
3. In the Programme web site, a specific section will be devoted to the MC activities and documents. There, will be published the schedule and agenda of the meetings, the synthesis of non-sensitive discussion, conclusions and decisions of the meetings and the supporting non-sensitive relevant documents, concerning MC activities which the MC deems useful to publish.
4. The preparatory documents submitted to the MC will be uploaded in a devoted repository, accessible to all MC members; the final version of the relevant non-sensitive documents will be made available to the public, by means of the website.

ARTICLE 14 – VALIDITY AND REVISION

1. The RoP of the MC were adopted by consensus by the MC on June 9th on the occasion of its first meeting held in Venice on June 9th and 10th, 2016.
2. The RoP are valid for the whole period of validity of the committee.
3. After adoption, the RoP can be revised by the MC by consensus.