

DRAFT

**RULES OF PROCEDURE
OF THE MONITORING COMMITTEE FOR THE IPARD
PROGRAMME OF(IPARD Monitoring Committee)**

General provisions

Article 1

Article 61 of the Sectoral Agreement (SA) provides that an IPARD Monitoring Committee shall be set up after consultation with the Commission and the partners referred to in Article 59 of this Agreement.

According to Article 60(3) of the SA the Monitoring Committee shall draw up and approve in consultation with the Managing Authority, the IPARD Agency and the Commission its rules of procedure. They shall be adopted by the Monitoring Committee at its first meeting and may be changed by the Monitoring Committee as need arises. Such changes shall be communicated in advance to the Commission.

The Monitoring Committee thus established shall be responsible for reporting, monitoring and evaluating the implementation of the IPARD Programme in accordance with the provisions of Section IV of the SA.

Definitions

Article 2

In these rules of procedure:

- a) The Ministry refers to (e.g. the Ministry of Agriculture and Rural Affairs),
- b) The Commission refers to the European Commission,
- c) The Committee refers to the IPARD Monitoring Committee,
- d) The Chairperson refers to the Chairperson of the IPARD Monitoring Committee,
- e) The Agency refers to the IPARD Agency,
- f) The Programme refers to the Instrument for Pre-accession Assistance Rural Development Programme (IPARD Programme),
- g) The Secretariat refers to the Managing Authority which has the function as the permanent Committee's secretariat,
- h) CAO refers to the Competent Accreditation Officer,

- i) NAO refers to the National Authorizing Officer,
- j) NIPAC refers to National IPA Coordinator,
- k) Observer refers to experts from the economic sectors relevant for the implementation of the Programme.

Appointment and structure of the Committee

Article 3

1. The Committee has been set up and its members/alternates have been appointed by Decision of (the Ministry)of.....
2. The Decision on the appointment of the Committee is attached in Annex.
3. The members and their alternates shall be nominated by the bodies and authorities as well as by the non-governmental institutions according to paragraph 7 A and .B.
4. The members and their alternates shall be replaced:
 - a. on their own request;
 - b. with a decision of the authority in charge of setting up the Committee and designating its members
 - in the event of systematic violations of their obligations
 - in the event of passed sentence for deliberate crime of general character
 - in the event of not meeting their obligations for a period longer than one year
 - c. in the event of death or setting under judicial disability.
5. The Chairperson and her/his Deputy shall be designated by decision of the authority setting up the Committee. They shall be members of the Committee. In accordance with paragraph 5 Article 61 of the SA, the Chairperson designated shall not hold a position in the IPARD Agency.
6. All members of the Committee (in case of their absence their alternates) including the Chairperson, have each one vote.
7. In accordance with Article 61 of the SA the Committee shall consist of:
 - A) Representatives of the following relevant authorities and bodies:
 -
 -
 - :

All representatives shall be senior officials equivalent to Ministers, Deputy Ministers or General Directors.

- B) Non-governmental representatives of:
- appropriate economic partners
 - appropriate social partners,
 - appropriate environmental partners,
 - appropriate civil society partners.
8. The number of non-governmental members shall be at least equal to the number of the members from the governmental bodies and authorities.
9. The Committee shall supplement itself with observers from the various economic fields relevant to IPARD Programme implementation like the banking sector, donors, IFI's, the academic sector, etc .

Article 4

Representatives of the Commission, the Head of the Managing Authority and the Head of the Agency shall participate in the work of the Committee without voting right.

The working language of the Committee is English. Simultaneous interpretation to and from the national language and translation of documents shall be provided when necessary.

Secretariat of the Committee

Article 5

1. The Committee shall be assisted in its work by the Managing Authority, which at the same time has the function of a permanent Committee's secretariat.
2. The secretariat shall perform all duties necessary for the proper conduct of the work of the Committee and in particular shall:
 - a) collect and/or elaborate, translate and distribute electronically/or in paper version, to all members of the Committee the documents and materials (reports, analyses, proposals) needed for the work of the Committee,
 - b) organise and carry out the preparation of the Committee meetings and assist its activities;
 - c) draft the minutes of the sessions of the Committee,
 - d) be responsible for book-keeping and documentation of the Committee's work, including all the statements and decisions taken at the sessions;
 - e) execute the decisions of the Committee and ensure the necessary exchange of information between the concerned parties;

- f) ensure sufficient publicity of the work of the Committee;
 - g) Provide for all technical and logistical arrangements, including translation and interpretation, where necessary, to permit the effective participation in the committee discussions and resolutions of its members.
3. All correspondence, concerning the activities of the Committee shall be addressed to the Secretariat of the Committee.

Article 6

1. The Chairperson in his own capacity or on the request of a member of the Committee, may, if necessary, invite the representatives of other state administration bodies or other domestic, as well as, foreign experts to take part in the proceedings.
2. The experts invited are obliged to respect the principle of confidentiality of information.

Responsibilities and tasks of the Monitoring Committee:

Article 7

The Committee shall carry out the tasks and responsibilities laid down in Article 61 of the Sectoral Agreement including the following:

- a. It shall satisfy itself as to the effectiveness and quality of implementation of the Programme in order to attain the specific objectives.
- b. It shall report to the IPA Monitoring Committee. It shall provide the IPA Monitoring Committee in particular with information relating to:
 - i) the progress made in implementing the Programme, by priority axis and, where relevant, by measures or operations; this shall include the results achieved, financial implementation indicators, and other factors and shall be established with a view to improving the implementation of the Programme;
 - ii) any aspects of the functioning of the management and control system raised by the Audit Authority, the NAO or the CAO.
- c. It shall be consulted within four months after the decision approving the Programme on the selection criteria for financed operations.
- d. It shall examine the results of the Programme, in particular the achievement of the targets set for the different measures and the progress on utilisation of the financial allocations to those measures and allocations to sub-measures within measures where indicated in the Programme. In this regard, the Managing Authority shall ensure that all relevant information on the progress of measures and, as appropriate, sub-measures, is made available to the Committee and the NIPAC.
- e. It shall periodically review progress made towards achieving the objectives set out in the Programme. For this purpose, it shall, in particular, be given the following:

- i) information on any sectors where difficulties are experienced,
 - ii) information on the results of checks carried out, and,
 - iii) the list and characteristics of approved projects and those not approved.
- f. It shall consider and approve, where appropriate, any proposal to the Commission to amend the Programme.
 - g. It may, following consultation with the Managing Authority and the Agency, propose to the Commission and to the NIPAC, with copies to the NAO, amendments or reviews of the Programme to ensure the achievements of the Programme's objectives and enhance the efficiency of the assistance provided.
 - h. It shall consider and approve the annual and final implementation reports before they are sent to the Commission, , the NIPAC and the NAO, with a copy to the Audit Authority.
 - i. It shall examine the on-going and interim evaluation of the IPARD Programme.
 - j. It shall be informed on the main conclusions of the annual audit report and the result of the controls undertaken by the IPARD Agency as well as the follow-up of these controls.
 - k. It shall consider and approve the communication plan referred in Article 70 of the SA as well as any subsequent updates of the plan.
 - l. It shall be consulted on the technical assistance activities. Each activity shall be approved by the Chairperson before its implementation.
 - m. Each visit and seminar referred to in the scope of the technical assistance not made at the initiative of the Commission shall require the submission of a written report to the Monitoring Committee.
 - n. When required by the Programme or by the SA, to give an opinion on any matter, it shall act accordingly.

Work of the Monitoring Committee

Article 8

1. Meetings of the Committee shall be convened by the Chairperson and held at a location proposed by the Chairperson. The Committee shall meet at least twice a year.
2. The Chairperson can, at his own initiative or at the initiative of 1/3 of members or at the initiative of the Commission, convene additional meetings.
3. The Committee shall plan a schedule of sessions with agreed timing for at least two following meetings.

Article 9

1. The Chairperson shall determine a date for each meeting and propose the agenda.

2. The Secretariat shall send the invitations together with the proposed agenda including any supporting documents electronically/or in paper version at least 15 working days prior to the meeting to the Members of the Committee. All documentation addressed to the Commission shall be sent in English.
3. Decisions on points included in the agenda less than 15 days prior to the convened meeting can only be taken if there is consensus within the Committee.
4. If the documents have not been sent in time, the members can request the decision on the topic concerned to be postponed for a decision at the following meeting, or to be submitted in written procedure.
5. The agenda shall make a distinction between proposed issues about which the Committee is asked to give an opinion and other issues put to the Committee for information or a simple exchange of views.
6. If a member should wish to add something to the agenda, he/she shall submit, in written form, such a request with the accompanying documentation at least five working days prior to the convened meeting.
7. The agenda shall be adopted at the beginning of the meeting.
8. The majority of the members of the Committee can decide to postpone a decision on a topic of the agenda to the next meeting or to be submitted to the Committee in written procedure.

Article 10

1. Meetings of the Committee shall be closed for the public. Only the Committee's Chairperson or a person appointed by her/him shall be authorized to provide statements after the meetings.
2. The members of the Committee shall treat the work of the Committee as confidential.
3. All decisions and other documents adopted by the Committee shall be prepared by the Committee's Secretariat, while they are signed and submitted by the Chairperson of the Committee.
4. All decisions of the IPARD Monitoring Committee shall be made available to the public, e.g. on the website of the Managing Authority.

Participation in the meetings of the Committee

Article 11

1. The Chairperson chairs the Committee meetings. In case of her/his absence this role is assumed by her/his deputy.
2. Adjournment of the meeting, the working plan for a next meeting and other details related to the work at the meetings of the Committee shall be determined by the Chairperson.
3. The member of the Committee shall participate personally in its sessions (voting member). In case of her/his absence the designated alternate shall participate. However, the provisions of paragraph 3 of Article 3 shall apply.
4. All changes of the members and their alternates as decided in accordance with the first paragraph of Article 3 shall be reported to the Secretariat of the Committee at least 15 working days prior to the meeting.
5. The Committee shall examine the absence of members or their alternates and shall propose measures to the bodies which have nominated them, taking into account the basic principles of the establishment of the Committee.

Decision making/Voting

Article 12

1. The decisions within the Committee can be taken if at least 2/3 (of all Committee members (including Chairperson or alternates) are present.
2. The Committee decisions shall be reached by consensus. In the event of the Committee being unable to arrive at consensus in respect of any matter, the issue will be referred to a working group set up to resolve the issue. The Committee will be informed of the outcome of the deliberations and try to reach consensus for the second time.
3. Where the Committee still can not reach consensus, a voting procedure shall follow. The decision is approved if $\frac{3}{4}$ of the members (or their alternates) present at the meeting are in favour of the proposal concerned. Every member of the Committee, who is still expressing a dissenting voice on the issue, shall have the opportunity of his opinion being reported in the minutes of the meeting.

Article 12

1. In case of urgent matters or matters, which do not justify a meeting of the Monitoring Committee, the Chairperson can submit a proposal to the members of the Committee for approval by written procedure. The Chairperson shall submit to the Committee members

a draft decision duly accompanied by an explanatory memorandum. The Committee members may express an opinion on that draft decision within 15 working days of the date of transmission of those documents.

2. The proposal shall be adopted unless one of the Committee members objects. Once the written procedure is completed, the Chairperson shall inform the Committee members about the results.
3. Any refusal to give agreement must be substantiated. A proposal refused in the framework of a written procedure as well as its substantiation shall be discussed during the next meeting.

Subsidiary bodies

Article 13

1. The Chairperson may set up working groups to solve specific issues.
2. These working groups shall be made of the Committee members as well as other experts as appropriate and designated by the Committee.
3. On the basis of the results of their work, the working groups shall submit proposals and recommendations to the Committee.
4. The Rules on confidentiality as well as the provisions of Article 11 shall apply *mutatis mutandis* to the working groups, unless otherwise decided by the Committee.

Records of the sessions

Article 14

1. Minutes shall be written of each meeting of the Committee.
2. The minutes shall be taken and prepared by the secretariat or by a person designated by the Chairperson.
3. The minutes shall contain the agenda of the meeting, the list of participants, a summary of the session with all interventions made, the result of the voting, the decisions that have been adopted and the recommendations made by the Committee.
4. The draft minutes of each meeting shall be circulated for comment to all members of the Committee within 15 working days after the meeting. Committee members shall submit their observations, remarks and recommendations to the secretariat within 10 working days after the date of the documents reception.

5. One copy of the minutes shall permanently be kept at the archives of the Managing Authority. The final draft minutes shall be signed by the Chairperson and be sent to the members not later than 45 working days after the meeting.
6. The Minutes shall be discussed, decided upon and adopted at the beginning of the following meeting.

Follow up of the Committee decisions

Article 15

1. The Chairperson shall monitor the implementation of the decisions of the Committee and shall take the relevant measures, whenever necessary, to ensure their implementation between the meetings of the Committee.
2. The Chairperson may require reports on the fulfilment of the Committee's decision from respective institutions. The Chairperson shall present a short report on follow-up activities to the next meeting of the Committee.
3. The reports of the Committee shall be prepared in accordance with the work plan and timetable approved by the Committee.

Code of conduct

Article 16

1. Every member of the Committee and their representatives shall sign a declaration of impartiality of code of conduct.
2. The code of conduct includes the following principles:
 - the members of the Committee may not engage in providing advice to legal or natural persons, nor be dependent on persons that could effect his/her impartially in exercising his/her functions as a member of the Committee, and must not use their membership to benefit or privilege for himself/herself or for another person;
 - the members of the committee must not use their membership to acquire, by the influencing decisions of the legislative, executive benefits for himself/herself or for others.
3. If a member of the Committee violates the impartiality principles the chairmen through the Secretariat shall issue a written warning to this member. In case that the violation continues, the Secretariat shall send a written request to the Head of the respective institution to nominate another person as Committee member within 20 working days.

Article 17

These Rules of Procedure shall enter into force on the day of adoption by the Monitoring Committee.

Chairperson of the Committee:

ANNEX

Government Decision on the appointment of the Committee

1. Members of the Committee (by name)

2. Change of members

In case of change of members or a change of the employment of members of the Committee within the organisation which appointed a member to the Committee, the member concerned is obliged to inform the Minister ofand the Committee accordingly.

Following the information concerning the change of a member or his/her employment, steps to acquit such a member and to appoint a new member shall be taken.

The acquittal of a member and the appointment of a new member of the Committee shall be done by the Minister of.....with a prior notice from the Chairperson that a change among members or their employment has occurred.

3. Conflict of interest

Members of the Committee shall represent the interests of the Programme before their personal interests or interests of the organisations that they come from. If a Committee's member has any personal interest within the subject of discussion, he/she shall inform the Chairperson and other members of the Committee about it.

In this case the Chairperson shall give the instruction that the minutes of that meeting shall record that a particular member has a personal interest in regards to the subject of discussion, and that consequently, that particular member cannot participate in the vote on the topic concerned.

4. Decision on the establishment of the Committee

The decision on the establishment of the Committee for the Programme including the designation of the Chairperson, Deputy and the members, taken by under n°and dated, is enclosed to this Annex.