

INTERREG VI-A NEXT ROMANIA-REPUBLIC OF MOLDOVA PROGRAMME

RULES OF PROCEDURE
of the
Monitoring Committee

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Preamble:

The Member State, Romania, and the partner country, Republic of Moldova on the basis of

- Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009
- **(Interreg VI-A) NEXT Romania -Republic of Moldova Programme** approved by the European Commission (EC) on 30.11.2022 (Decision No. C(2022) 8932 final);
- 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 (hereinafter referred to as MA) of the **(Interreg VI-A) NEXT Romania-Republic of Moldova Programme**.

Have established a Monitoring Committee (hereinafter referred to as MC) for the implementation of the Programme to which the following procedure shall apply.

Art. 1 - General provisions

- (1) The Monitoring Committee (hereinafter referred to as the “**Monitoring Committee**” or “**MC**”) (Interreg VI-A) NEXT Romania -Republic of Moldova Programme (hereinafter referred to as the **Programme**) is a partnership structure, without legal personality, being the main joint decision - making structure of the Programme.
- (2) The present Rules of Procedure establish the composition, the tasks and the organization and functioning principles of the MC.
- (3) The duration of the term of office for the MC will cover the whole period of implementation of the Interreg VI-A NEXT Romania-Republic of Moldova Programme.

Art. 2 - MC Tasks

(1) The MC shall follow the Programme implementation and progress towards its priorities using the objectively verifiable indicators and related target values defined in the Programme. The MC shall examine all issues affecting the Programme performance.

(2) The MC may issue recommendations to the Managing Authority regarding the Programme implementation and evaluation and it shall monitor actions undertaken as a result of its recommendations.

(3) The JMC may establish working groups, selection committees, task forces or steering committees as necessary for the sound implementation of the Programme.

(4) In accordance with article 30 of the Regulation No. 2021/1059, the MC shall examine:

- a) the progress in programme implementation and in achieving the milestones and targets of the Programme.
- 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;

(5) In accordance with art. 22, 30 and 57 of Regulation No. 2021/1059, the Monitoring Committee shall approve:

- f) selection of the Programme operations, including large infrastructure projects
- g) the methodology and criteria used for the selection of operations, including any changes thereto, after notifying the Commission, where requested, pursuant to Article 22(2) of this Regulation, without prejudice to points (b), (c) and (d) of Article 33(3) of Regulation (EU) 2021/1060;
- h) the evaluation plan and any amendment thereto;
- i) any proposal by the managing authority for the amendment of the Interreg programme including for a transfer in accordance with Article 19(5); and
- j) the final performance report.

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

- a) It may propose, consider and approve any revision and examination of the Programme that is likely to contribute to the achievement of its objectives or to improve its management.
- b) Approves the planned use of technical assistance and any revision to it made by the MA
- c) The procedures and criteria adopted by the MC for selecting the operations, as foreseen at (5) b) above, shall be transparent and non-discriminatory, ensure accessibility to persons with disabilities, gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Article 11 and Article 191(1) TFEU.
- d) The criteria and procedures shall ensure the prioritisation of operations to be selected with a view to maximising the contribution of Union funding to the achievement of the objectives of the Interreg programme and to implementing the cooperation dimension of operations under Interreg programmes, as set out in Article 23(1) and (4) of this Regulation.
- e) the MC or, where applicable, the Steering Committee shall approve methodologies and criteria for selecting operations, according with art. 22 of the Interreg Regulation 2021/1059
- f) Examines and approves the annual information and communication plan;
- g) Approves the selection criteria and the job description related to the staff positions of the JS
- h) Approves corrective measures in relation to shortcomings identified by MA, following the annual verification of the JS.

Art. 3 -MC Composition

- (1) The MC shall comprise representatives of each participating country, appointed on a functional basis and not on a personal basis. The appointments shall be communicated to the Managing Authority as well in case of change of membership. The MC is constituted by a Chairperson, a secretary, members and observers. The MC meeting may be co-chaired by a representative of the participant country where the respective meeting takes place.
- (2) The MC shall include as voting members representatives from *county, regional and central level* (out of which at least one member per country will represent each National Authority and one member per country will be designated by each of the Ministries of Foreign Affairs).

- (3) The list of institutions and organizations represented in MC is listed in Annex 1 of the Rules of Procedures and shall be published on the programme website, for transparency purposes.
- (4) Each participating country has equal voting rights regardless of the numbers of representatives appointed.
- (5) 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).
- (6) During the process of appointing the members, a balanced representation between men and women will be encouraged.
- (7) The Commission representative shall be involved in the work of the MC and invited to each meeting of the MC as an observer, in his/her capacity.
- (8) The list of institutions and organizations represented in MC as observers is listed in Annex 2 of the Rules of Procedures. Other entities may also participate as observers or invitees with a consultative role in the MC reunions and written consultations.
- (9) The chairperson, the secretary, the observers (including the EC representative) and the invitees participating to the MC meetings, have no voting rights. The co-chairperson, as representative of a participating country, shall have voting rights.
- (10) Each national delegation shall be coordinated by a Head of delegation, nominated by the respective National Authority.
- (11) The secretariat role will be delegated by the MA to the Joint Secretariat (JS).

Art. 4 -MC Chairmanship

- (1) The head of the MA shall act as Chairperson and shall lead the work of the MC. The chairperson is appointed for the entire programme period and shall have no voting rights. Until the finalization of the formalities for the appointment of the Head of MA for the Interreg NEXT Romania-Republic of Moldova Programme, the tasks of the Chairperson are fulfilled by the Head of MA for the Joint Operational Programme Romania-Republic of Moldova 2014-2020.
- (2) In duly justified cases, if the chairperson cannot attend a meeting, it will be substituted by a MA representative, mandated by the Chairperson. MC members shall be informed about this nomination before the meeting.
- (3) The chairperson shall head the activity of the MC by exercising the following responsibilities:
 - a) Convenes the meetings of the MC, at least once per year or as often as necessary, at the request of the MA or following duly justified written request

- received from any head of national delegation or from the European Commission;
- b) Approves the documents that will be submitted to all participants to the meeting, as well as the provisional agenda of the meeting;
 - c) Chairs the meetings of the MC;
 - d) Ensures the decision-making process based on consensus, by trying to solve any divergence that may appear during the meetings;
 - e) Signs the correspondence, the decisions and the minutes of the MC meetings;
 - f) Is responsible for ensuring that the MC decisions comply with the rules laid down in the relevant regulation.
- (4) The partner country where the MC meeting takes place can appoint a Co-Chairperson. The Co-Chairperson shall be a permanent member of the MC, has voting rights during the concerned meeting and has the following tasks:
- a) Together with the Chairperson facilitates the MC debate;
 - b) Gives support to the JS, if needed, in organizing the meetings in the concerned partner country.

Art. 5 - Members and observers

- (1) The MC members have decision-making power and are designated by the institutions listed in the Annex 1 to the Rules of Procedure.
- (2) The MC is composed of members and deputies. Each member can have one or two appointed deputies.
- (3) The observers are designated by the institutions listed in the Annex 2 of the Rules of Procedure. The observers participate at the MC meetings in a consultative role, without decision-making power. At the same time, the observers may be consulted also for the decisions taken by written procedure, when the discussed issues are in their area of competence.
- (4) Appointment and replacement of a member (permanent or deputy), as well as of the observers shall be notified by the institution represented in the MC, by notification to MC Secretariat. The MC Secretary shall inform the MC Chairperson.
- (5) Any temporary variation to the MC list should be officially notified, using the form presented in Annex 6, to the MA/ Chairperson of MC, by the member who cannot attend the meeting. The member, after the consultation of the national delegation may delegate his/her mandate as follows:
 - a) to another member (permanent and deputy) of the national delegation;

- b) to another person from the institution that is represented in the MC.
- (6) The capacity of member, deputy member or observer shall be lost when the appointed persons are in one of the following situations:
 - a) ended their activity in the respective institution; in this case, the respective institution shall inform the JMC secretary and appoint a new member.
 - b) broke the provisions of the Rules of Procedure or of the Code of Conduct. In this case, the Chairperson informs the institution that designated that member and requests a new designation.
 - c) at the decision of the institution/ organisation that they represent, communicated to the MC Secretariat together with the delegation of a new person
- (7) The Chairperson of the MC shall have the right to invite other participants to the meeting of the MC as observers or advisors, with the prior agreement of the MC.
- (8) The members and /or their deputies may address their proposals or requests directly to the Secretariat, by email. However, the request to organize an extraordinary meeting of the MC must be firstly agreed within the national delegation and forwarded to the Secretariat by the Head of the national delegation.
- (9) Members, deputies and observers are not remunerated for their activity in the MC.
- (10) The costs related to the participation to the MC meetings of the permanent/ deputy members of the MC, shall be covered by Programme funds, in line with the TA strategy. Also the costs for participation of observers/invitees may be covered by TA funds, in line with the TA annual strategy.

Art. 6 - The Secretariat of MC

- (1) The activity of the MC is assisted by the Secretary and coordinated by the Chairperson of the MC. The Secretariat will be ensured by the Joint Secretariat of the Programme located in Iași, within the Regional Office for Cross-Border Cooperation Iași. Until the finalization of the formalities for the appointment of the staff of the JS for the Interreg NEXT Romania-Republic of Moldova Programme, the tasks of the Secretary are fulfilled by the staff of JTS for the Joint Operational Programme Romania-Republic of Moldova 2014-2020.
- (2) The Secretariat functions based on an internal procedure and has the following tasks:
 - a) Creates a unique email address to be used for the MC written procedures and communications;

- b) Ensures logistical preparation, transmits invitations, agenda and meeting documents to the MC members;
- c) Prepares and transmits via emails, under the coordination of the MA, the documentation related to written procedures, information, or other consultations launched under the Programme;
- d) Receives, and on case by case basis, under the coordination of the MA, integrates and or elaborates the supporting documents, relevant for the meeting (this includes, but is not limited to, minutes of the meetings, MC decision on the selection of operations, documents related to the implementation of the Programme, etc.);
- e) Transmits meeting documents to the MC members by email, or by using the Programme website extranet, or by other electronic means;
- f) Provides under the coordination of the MA, to the members of the MC, at their request and under the MA coordination, with all the necessary information in order to support the decision-making process in the MC;
- g) Manages the written MC procedures;
- h) Prepares the MC decisions under the MA coordination
- i) Drafts the minutes of the MC meetings, signs it and ensures the transmission of the final drafts of the minutes to all participants, including the EC representative(s), as well to those members and observers who were absent, and to their appointed deputies;
- j) Monitors the implementation of the MC decisions and ensures exchange of information between the parties involved; informs the Chairperson of the MC about any difficulty in implementing the MC decisions;
- k) Receives, registers and resolves the correspondence regarding the MC activity; in case its competences and attributions are surpassed, informs the Chairperson of the MC as soon as possible;
- l) Ensures the archiving of all documents (electronic and paper) regarding the MC meetings, correspondence and decisions;
- m) Ensures that information and documents regarding the MC activity are published on the programme webpage with prior approval of the Chairperson;
- n) Supports the Chairperson of the MC in any other matter related to the activity of the MC.

(3) Any request for information regarding the activity of the MC shall be addressed to the Secretariat, by e-mail, or, if the case may be, by post.

Art. 7 - MC Meetings

- (1) The MC meetings will take place at least once per year respecting, if possible, the principle of rotation between the participating countries as regards the location of the reunions. It shall be convened by the Chairperson at the request of the MA/ European Commission (EC) or upon duly justified written request of any head of national delegation. Dates and places of the meetings of the Joint Monitoring Committee will be decided by the national delegations in written consultation and following the Managing Authority's proposal.
- (2) The MC shall meet in the eligible area of the Programme. Exceptionally, the MC meetings can be organized outside the eligible area.
- (3) For facilitating the participation of members and observers, as well as of any other invitees, the meetings may be organized also in a hybrid format, or, with the prior agreement of the MC members, in on-line format. Invitation to the MC meetings and the provisional agenda shall be communicated by the MC Secretary with at least 15 working days before the date of the meeting. The convocation of the MC in extraordinary meetings can be done in less than 15 working days provided that the logistic arrangements allow it. Invitations at the MC meetings will always be done in written form, by email. Members must confirm their participation in a reasonable period of time, but within no less than 10 working days before the meeting, so that not to jeopardize the good organization of the meeting.

In case of canceling their participation, in the absence of objective reasons, the expenditure incurred by the JS/MA for travel and/ or accommodation of a MC member/ observer who previously confirmed participation may be requested to be reimbursed by the institution that made the nomination.

- (4) Meeting documents shall be forwarded by the Secretariat with at least 10 working days before the date set. On a case by case basis, the Chairperson can reduce this period.
- (5) Each delegation, under the coordination of the National Authority, shall organize internal consultations. Following these consultations any additional points or comments of the participants regarding the draft agenda and the related support documentation shall be sent to the Secretariat with at least 5 working days before the meeting. On a case by case basis, the Chairperson can reduce this term.
- (6) When written observations from the delegations are received, the Secretariat, will forward them to the MC Chairperson. The Chairperson will determine whether:
 - a) The observations do not affect the initial proposal and consequently can be integrated into the meeting documents or

- b) Further discussions should take place during the MC meeting in order to reach common agreement on those issues that cannot be integrated into the documents.
- (7) The final agenda and the meeting documents shall be sent to the MC members within 5 working days before the meeting. In duly justified cases, when very important topic arises and could not be foreseen at this stage, the Chairperson may amend the agenda at his/ her own initiative or at the proposal of a permanent member of the MC or of the European Commission.
- (8) The Secretariat may provide the members of the MC with other relevant information regarding the provisional agenda (until the day of the meeting or even at the beginning of the meeting) in order for them to have at their disposal the most recent information regarding the topics.
- (9) At the beginning of each meeting, the agenda of the respective meeting will be adopted.
- (10) At the end of each meeting, the MC shall issue a decision on each of the agreed upon topics (annex 5 MC decision model). Each decision shall be signed by the Chairperson of the MC.
- (11) The MC meetings do not have a public character. A summary regarding the data and information, including of MC decisions, shall be presented to the public on the website of the programme.
- (12) The list of operations approved by the MC shall be posted to the web-site of the Programme, as soon as the contracts with the beneficiaries are concluded.
- (13) The Secretariat shall draw up the draft Minutes of the meetings, which include the summary of the decisions taken, and submit it to all the participants within 15 working days from the date of the meeting, by e-mail.
- (14) The comments to the minutes may be sent to the Secretariat within maximum 10 working days from the minute's submission. The consolidated version of the minutes and corresponding annexes shall be sent by the Secretariat to the MC members, observers and to the other participants to the MC meeting within 5 working days after this deadline.

If new objections are raised, related in particular to those modifications operated to the initial version as a result of the first round of comments, the Secretariat shall have another 5 working days to revise the minutes with prior consultation of the Chairperson and retransmit the final document to MC members, observers and other participants.

If no objections are raised within the deadline, the minutes are considered approved.

- (15) The final Minute shall be co-signed by the MC Chairperson and the MC Secretary.
- (16) In order to avoid any conflict of interests, the MC members and observers will not take part in the decision-making process regarding the issues where there is a conflict of interest. The members will sign the Declaration of Impartiality and Confidentiality and they will indicate the issues where impartiality cannot be ensured. In case a conflict of interest should arise the MC members that have a potential conflict of interest are requested to declare before the start of discussions/written procedure any conflict of interests that may exist on certain points of the agenda/issues.
- (17) A member/observer who declares a potential conflict of interest shall be requested by the Chairperson to withdraw from the meeting during discussions on those specific issues or not to participate in the written procedure.

Art. 8 - The decision-making procedure in the MC meetings

- (1) The MC meetings can only take place if both countries are represented.
- (2) As a general rule, the MC decisions have validity if at least half of the voting members are attending the meeting.
- (3) The MC decision will be taken by consensus among the national delegations. In the meaning of the Rules of Procedure, the consensus is defined as the expression of the agreement of the MC national delegations on the debated issues and the proposed decision, set down as the most appropriate for the sound implementation of the programme based on coherent and pragmatic arguments, MC can adopt at that moment.
- (4) In case the consensus is impossible to be reached on the MA proposal, the Chairperson may give a recess for consultations within and among the national delegations in order to reconsider their position. Impossibility to reach consensus appears if, after two rounds of discussions on one certain issue, a consensual decision cannot be reached.
- (5) In order for the MC to reach a decision, the MA shall present its proposal, and, if the case, possible alternatives
- (6) Each delegation, under the coordination of the head of the delegation, may organize, 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 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.
- (7) 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.

- (8) Should the consensus be impossible to reach on the proposal indicated by the MA, alternative choices may be proposed by any of the Head of Delegations. The Chairperson shall seek the consensus on the proposed alternative as expressed by the MC voting members, provided that the new proposal is fully compliant with the regulations governing the Programme.

Art. 9 - The written decision-making procedure

- (1) The MC may take decisions through written procedure, at the initiative of the Chairperson.
- (2) In case of applying the written procedure, the Secretariat submits to the MC members by email, the description of the identified issue, related documentation and identified solution
- (3) The objections or the agreement on the raised issues/proposed documents transmitted in written procedure can be submitted to the Secretariat in written form (by e-mail) within maximum 10 working days from the date of submission. The Chairperson may decide reduction of this period. Also, in the case of certain documents, each national delegation may request the extension of the deadline. Changes of the composition of the delegations occurred during a written procedure shall not have as an effect the extension of the deadlines set for that certain written procedure, except for those cases listed in Art. 5 (6) a), b). Each country shall send to the Secretariat, through the head of the national delegation, a consolidated opinion of its representatives.
- (4) If no objections are raised within the deadline, the proposal is deemed approved in the sent format.
- (5) Following the 10 working day period, the Secretariat shall inform the MC:
- a) Whether any proposal submitted to the MC for adoption has, in the absence of any written objection, been deemed agreed, or
 - b) If any written objections per delegation have been registered and, if so, what the Chairperson has determined in line with paragraph (6) of the present article.
- (6) Where written comments and objections are received by the Secretariat, the Chairperson will determine whether:
- a) The requested changes are not substantial and does not affect the initial proposal, and consequently they can be integrated. In this case the documents are deemed agreed, and the MC will be informed accordingly.
 - b) The objections should be integrated within the submitted documents, case in which paragraph (7) of the present article applies.
 - c) The MC must be convened in a meeting.

- (7) In case the Chairperson determines that the objections should be integrated in the documents, the Permanent Secretariat shall send to the MC members the revised version of the documents. If no additional comments concerning the proposed changes are received from the MC members in the next 5 working days, the new version is deemed agreed. If new comments related to the proposed changes arise, the Chairperson shall take one of the decisions listed at paragraph (6).
- (8) The Secretariat submits to the MC the final version of the documents adopted through written consultation procedure.
- (9) In case the MA has objections concerning the compliance of a decision taken by the MC with the legal framework of the Programme, the decision shall be taken with reservation until the MA clarifies the matter with the European Commission. In the case that no compliance should be asserted or no clarification could be obtained, the respective decision will not come into operation and will be canceled. The MA will report on the result of its consultation with the European Commission to the MC. If necessary, the MC shall issue a new decision taking into consideration the MA report.

Art. 10 - Code of Conduct

- (1) The MC members are guided in their activity by the principles of the Code of Conduct, which is an integral part of the Rules of Procedure and is presented in Annex 3.
- (2) Any assessment and/ or decision of the MC has to be free from bias and must not be influenced by partial/personal interest of any of its members. According to this principle, each participant has to sign a Declaration of Impartiality and Confidentiality (Annex 4 to the Rules of Procedures). The Chairperson shall ensure that all permanent members of the MC, deputies and observers have signed the mentioned declaration.
- (3) In case of non-compliance with the Code of Conduct, the MC members shall be revoked with prior written notification, in line with the provisions of Article 5 of the Rules of Procedures.

Art. 11 - Working language

- (1) The official and working languages of the MC shall be Romanian and English.
- (2) The documents and any written communication with the MC shall be conducted in English so that to allow the EC access to information.
- (3) The meetings of the MC may take place in Romanian and English.

Art.12 - Circuit and keeping of documents

(1) Official documents shall be sent by the Secretariat to the MC members by email or using the extranet of the Programme web-site and/or the Programme IT system, or if the case may be, by fax or post. The Secretariat will ensure the activity of keeping all MC related documentation including the archives.

Art. 13 -Personal data protection

The members/ their deputies, observers, as well as any other guests/ experts that are involved in this MC will allow Ministry of Development Public Works and Administration to process their personal data. 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 EU 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 VI-A) NEXT Romania-Republic of Moldova Programme** by the MA 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.ro-md.net.

Art. 13 - Final provisions

(1) The MC shall approve unanimously these Rules of Procedure, as well as any other further revision.

(2) The Rules of Procedure enter into force from the date of the approval by the MC, during its first meeting.

(3) The Rules of Procedure may be amended whenever that is deemed as necessary, at the initiative of the MC members or the MA. The MC approves the modifications by consensus.