

**Romania – Bulgaria**

***RULES OF PROCEDURE***  
**of**  
**the Monitoring Committee**  
**for**  
**Interreg VI-A Romania-Bulgaria Programme**

Approved by the Monitoring Committee on 28<sup>th</sup> of February 2023 (Decision 1/28.02.2023)

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### *Rules of Procedure of the Monitoring Committee for Interreg VI-A Romania-Bulgaria Programme*

#### **Art. 1. - General provisions**

(1) The Monitoring Committee (hereinafter referred to as MC) for the Interreg VI-A Romania-Bulgaria Programme (hereinafter referred to as the Programme) is a bilateral partnership structure, without legal personality, with a strategic decision-making role in the implementation of the Programme, according to the provisions of:

- a) Regulation (EU) No 1060/2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (hereinafter referred to as CPR Regulation);
- b) Regulation (EU) No 1059/2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (hereinafter referred to as Interreg Regulation);
- c) Regulation (EU) No 1058/2021 on the European Regional Development Fund and on the Cohesion Fund (ERDF Regulation);
- d) the Interreg VI-A Romania-Bulgaria Programme;
- e) the Commission Decision for the approval of the Interreg VI-A Romania-Bulgaria 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 Romania-Bulgaria Programme, until its official closure by the European Commission.

#### **Art. 2 - Monitoring Committee Tasks**

The MC ensures the efficiency and the quality of implementation of the Programme by performing the following categories of tasks:

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

- a) Examines the progress in programme implementation and in achieving the milestones and targets of the programme;
- b) Examines any issues that affect the performance of the programme and the measures taken to address these issues;
- c) Examines the progress in implementing the operations of strategic importance;
- d) Examines the progress in administrative capacity building for public institutions and beneficiaries;

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- e) May propose to the Managing Authority (MA) any revision or examination of the Programme, to make possible the achievement of the general objectives of ERDF, provided in art. 19 of the Interreg Regulation or to allow the improvement of the Programme management, including its financial management;
- f) Examines and approves any proposal made by the managing authority for any amendment to the operational programme;
- g) Approves the Communication Strategy as defined in the Common Provisions Regulation and drafted by the MA and supervises the implementation of this strategy, the information and publicity measures performed and the means of communication used;
- h) Approves the Evaluation Plan drafted by the MA and any amendments of the evaluation plan and examines the progress made in the implementation of the evaluation plan and the follow-up given to the findings of the evaluations; It may propose to the MA to carry out additional evaluations;
- i) Approves the Multi-annual Technical Assistance Strategy, as well as its revision, at the proposal of the MA and the NA (also financial task);

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

- j) Approves the proposals sent for examination by the MA, regarding the modification of the financial allocations between the priorities of the Programme, as well as between the specific objectives of one priority.

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

- k) Approves its own rules of procedure, as well as any other revision of these rules;
- l) Examines and approves the methodology and selection criteria for the projects to be financed from the programme, as well as the later modifications brought to these criteria, in accordance with the requirements of the programme, on the basis of the proposals made by the Managing Authority for the Programme;
- m) Approves the application pack (including complaint procedure for projects rejected from financing) before the launching of the call for proposals and approves any revision of this pack according to the requirements of the programme;
- n) Examines and approves the methodology for application of simplified cost options;
- o) Examines and approves any additional rules of the eligibility of expenditures not covered by the applicable European Regulations, for the whole programme;
- p) Shall appraise the strategy developed under PO 5 and decide (will issue a MC decision) whether it is in line with the Programme, if it complies with the applicable provisions of the European Regulations and the principles listed in the Guiding principles agreed by the Strategy Board and the set criteria.

***(4) Selection - selecting operations to be financed under the programme***

q) Approves/rejects/decides on reassessment (when necessary) of the projects to be financed according to the:

1. results from the assessment/reassessment of project proposals and the pre-ranking done by the assessment working group
2. decisions regarding the complaints lodged against the evaluation process (in line with the provisions of the complaint procedure included in the Applicant Pack)

and decides on the use of the available programme funds;

r) Approves the reserve list, if the case;

s) Review and approve the decisions regarding the complaints lodged against the evaluation process (in line with the provisions of the complaint procedure included in the Applicant Pack);

t) Approves/rejects the amendments to projects which are subject to MC decision according to the contracts;

u) Co-ordinates and ensures synergies of the Interreg VI-A Programme with other programmes, strategies, policies etc. which are under the responsibility of the institution they represent; consultations with other departments within the institution they represent will be made, if necessary, subject to compliance with the confidentiality and impartiality obligations;

v) Check the complementary and double funding of the operations selected under Programme with projects financed by the institution they represent; for this purpose, consultations with other departments within the institution they represent will be made, if necessary, subject to compliance with the confidentiality and impartiality obligations.

***(5) Formal tasks: e.g. examination of reports and other information sources, issues regarding programme implementation, programme evaluation, etc.***

w) Reviews the implementation of the programme and progress made towards achieving its objectives, by examining the financial data, common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework referred in Article 16 of Common Provisions Regulation, and, where relevant, the results of qualitative analyses;

x) Examines all issues that affect the performance of the programme and the measures taken to address those issues, including the conclusions of the performance reviews;

y) Examines the evaluations of the programme mentioned in Art.35 of the Interreg Regulation and may make observations to the managing authority regarding implementation and evaluation of the programme,

z) Examines the actions related to the reduction of the administrative burden on beneficiaries and progress in administrative capacity building for public institutions and beneficiaries;

aa) Monitors the actions taken as a result of its proposals/observations;

bb) Examines and approves the final performance report, provided by the MA, before the report is submitted to the European Commission in accordance with article 33 of the Interreg Regulation;

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- cc) Takes note of the results of the annual reports issued by the Audit Authority for the Programme and the status of the implementation of the recommendations;
- dd) Takes note of the activities and the results covered by the TA funds for the MA, NA (and InfoPoint), JS, Audit Authority and Executive Agency "Audit of European Union Funds", Directorate "Audits of funds under Territorial Cooperation Funds and other Programmes" at the Ministry of finance of the Republic of Bulgaria, the Romanian and Bulgarian controllers.
- ee) Takes note of the implementation status of horizontal themes at Programme level;
- ff) Examines the progress made in implementing projects of strategic importance, selected within the Programme;
- gg) May establish working groups and sub-committees, if necessary in order to improve the implementation of the programme.
- hh) The Monitoring Committee may invite the Strategy Board representatives to the meetings in order to be informed about the development and implementation process of the strategy.

### **Art. 3 - Obligations regarding the selection of operations**

- (1) When selecting the operations, the Monitoring Committee shall:
  - a) ensure that the selected operations comply with the Interreg programme and provide an effective contribution to the achievement of its specific objectives;
  - b) ensure that the selected operations correspond to the strategies established under Article 10(1) of the Interreg regulation or established for one or more of the external financing instruments of the Union;
- 2) The MC makes sure that the following criteria established by art.22 para.4 of the EC Regulation 1059/2021 are fulfilled and verified by the evaluation/steering committee during the evaluation process, namely:
  - a) selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;
  - b) the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs for operations comprising investment in infrastructure or productive investment, so as to ensure their financial sustainability;c) selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council<sup>1</sup> are subject to an environmental impact assessment or a screening procedure and that the assessment of alternative solutions has been taken in due account, on the basis of the requirements of that Directive as amended by Directive 2014/52/EU of the European Parliament and of the Council;

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<sup>1</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

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- c) where the operations have started before the submission of an application for funding to the managing authority, applicable law has been complied with;
  - d) selected operations fall within the scope of the Interreg fund concerned and are attributed to a type of intervention;
  - e) operations do not include activities which were part of an operation subject to relocation in accordance within the meaning of point (27) of art.2 of the CPR Regulation or which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65(1) of that Regulation.
  - f) selected operations are not directly affected by a reasoned opinion by the Commission in respect of an infringement within the scope of Article 258 of the TFEU that puts at risk the legality and regularity of expenditure or the performance of operations;
  - g) for investments in infrastructure with an expected lifespan of at least five years, an assessment of expected impacts of climate change is carried out.
- (3) Approve the selection and the usage of the Programme funds when all or part of an operation is implemented outside the Programme area inside or outside the Union, at the Managing Authority proposal.
- (4) For the selection of operations, the monitoring committee shall establish and apply criteria and procedures which are non-discriminatory and transparent, ensure accessibility to persons with disabilities, gender equality and take into account 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) of the TFEU.

#### **Art. 4 - Working language**

- (1) The official working language of the MC is English.
- (2) Working languages of the MC might be Romanian and Bulgarian. In this case simultaneous translation for both languages has to be ensured. Additionally, the simultaneous translation into English will be ensured in case a representative of the European Commission or other people attend the meeting.
- (3) The documents will be presented to the MC members in English.

#### **Art. 5 - MC Composition**

- (1) The MC is composed of representatives of Romania and Bulgaria (the representatives of each country in the MC form the national delegations), appointed by respecting the principles of partnership and representativity, according to Article 29 of Interreg Regulation.
- (2) The national delegations are formed of members and observers, from local, regional and national level, nominated by the organizations designated in Annex 1, respectively Annex 2, of the present Rules of procedures.
- (3) During the process of delegating the members and observers of the MC a balanced representation between men and women will be promoted.



(4) The representatives of the members and observers shall be delegated to be part of the MC through a transparent process.

(5) Representatives of the European institutions, of central and local public administration, and of other national organizations may participate as guests to the meetings of the MC, at the invitation of the Chair or of the Co-Chair. The Commission representative(s) may participate to the MC meetings in advisory capacity.

(6) The list of institutions/organisations members/observers of the MC shall be published on the official website of the programme.

(7) The rules of procedures of the monitoring committee and both a summary of data and information, including decisions, approved by the monitoring committee shall be published on the website of the Programme.

## **Art. 6 - MC Chairmanship**

(1) The MC is headed jointly by a Chair and a Co-Chair. The Managing Authority will ensure the Chairmanship and the National Authority the Co-chairmanship of the MC. Until the finalization of the formalities for the appointment of the Head of MA for the Interreg VI-A Romania-Bulgaria, the tasks of the Chairperson are fulfilled by the Head of MA for the Interreg V-A Romania-Bulgaria.

(2) In the absence of the Chair, or Co-Chair, or both of them, the activity of the MC will be headed by substitute person/s delegated by the Chair/Co-chair or by the head of the national delegation.

(3) The Chair and Co-Chair are heading the activity of the MC by exercising, the following responsibilities:

- a) Represent the MC in relation with third parties, including the mass-media, or may delegate this task;
- b) Approve the list of documents that will be submitted to all participants to the meeting, the list of the guests, as well as the provisional agenda of the meeting;
- c) Convoke the meetings of the MC;
- d) Chair the meetings of the MC (declares the opening and closing of each meetings, gives the right to speak, announces the decisions, rules on points of order, etc.);
- e) Ensure the decision-making process, by trying to solve any divergence that may appear during the meetings;
- f) Approve the publication on the webpage of the programme of documents and of other information regarding the MC activity.

(4) Any approval given by the Chair, outside the framework of MC meetings, according to its responsibilities mentioned above must be done only after the written consultation (generally, by email) of the Co-Chair.

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

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(6) The head of the Managing Authority signs relevant correspondence, the decisions taken and the minutes of the MC meetings, after their endorsement by the MC Secretariat.

**Art. 7 - Members and observers**

(1) The members are the persons that have decision-making power in the MC, and are delegated by the institutions mentioned in the Annex 1 of the present Rules of procedure. Each member of the MC shall have a vote.

(2) The members are full members or deputy members. Each full member has the right to have one deputy.

(3) The deputy members can participate to the MC meeting and have decision-making power only in the absence of the full members.

(4) The observers are the persons delegated by the institutions included in the Annex 2 of the present Rules of procedures, who participate at the MC meetings with an exclusively consultative role, without decision-making powers. At the same time, the observers are consulted also for the decisions taken by the written procedure.

(5) Each observer has the right to have a deputy, who undertakes the same tasks as the observer, when the observer is absent.

(6) Any member, deputy member, observer or deputy observer may be represented to a MC meeting by another person mandated in writing by him/her or by the institution he/she represents.

(7) In case of absence, members may delegate their voting right in writing to another member.

(8) The initial delegation procedure is applied for any changes of the members, observers or their deputies.

(9) The MC members have the following tasks:

- a) participate to the MC meetings and to the decision-making process;
- b) participate to the decision-making process through the written procedure, according to the present Rules of procedures.
- c) inform the MC about the activities developed in the bodies they represent when related to the Programme;
- d) contribute to achieving the decisions of the MC, according to their responsibilities;

(10) The observers have the same tasks as the members of the MC, with the exception of the participation to the decision-making process.

(11) The statute of member, observer or deputy is lost, when the persons delegated in the MC are in one of the following situations:

- a) end their activity in the public authority, institution or body that they represent;
- b) break the provisions of the present Rules of procedure or have several unjustified absence.

In case of point b, the exclusion is approved by the MC and the permanent Secretariat will notify the relevant institution and will request the delegation of a new person.



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(12) The statute of member, observer or deputy ends also at the decision of the institution/organization that he/she represents, communicated to the permanent secretariat together with the delegation of a new person.

(13) The MC members and observers and their deputies are not remunerated for the activities performed in the MC.

(14) The members and observers and their deputies shall submit to the permanent secretariat any changes regarding their contact details.

(15) The members, observers, deputies or their delegated representatives shall have their travel, accommodation and daily allowances reimbursed from the technical assistance budget of the Programme. The costs shall be supported by the Programme only for one representative of each institution included in the national delegations.

(16) The technical assistance of the programme may be used for strengthening the institutional capacity of the members/observers and their deputies.

**Art. 8 - The permanent Secretariat**

(1) The activity of the MC is assisted by a permanent Secretariat, ensured by the Joint Secretariat (JS) of the Programme and coordinated by the Chair of the MC. Until the finalization of the formalities for the appointment of the staff of the JS for the Interreg VI-A Romania-Bulgaria, the tasks of the Secretary are fulfilled by the staff of JS for the Interreg V-A Romania-Bulgaria.

(2) The permanent Secretariat has the following tasks:

- a) prepares the documents that will be provided to the representatives in the MC, the list of participants, as well as the provisional agenda of the meeting;
- b) ensures the logistical preparation and the transmission of the invitations for participation to the MC meetings;
- c) officially transmits to all MC members (including deputy members and observers) the relevant documents by email, with the confirmation of their receipt;
- d) Provides to the representatives of the MC, at their request, all the necessary information in order to support the decision-making process in the MC;
- e) Manages the written procedure, when the Chair and the Co-Chair decide on the application of this procedure;
- f) Drafts the minutes of the MC meetings and ensures the transmission of the final drafts of the minutes to all participants, as well to those members and observers who were absent;
- g) Receives, registers and ensures the activities related to the correspondence regarding the activity of the MC and informs accordingly the MC Chair and Co-Chair; in case its competences and attributions are surpassed, ensures the urgent transmission of correspondence regarding the MC to the Chair and Co-Chair of the MC;

- h) Ensures the electronic and paper, if the case, archiving of all documents regarding the MC meetings;
- i) Ensures a special electronic registry with the evidence of all decisions of the MC;
- j) Supports the Chair and the Co-Chair of the MC in any other matter related to the activity of the MC;
- k) The entire correspondence related to the logistical aspects of the MC is signed by the Permanent Secretariat (such as invitations, logistical information, etc.).
- l) Updates the MC composition or contact details according to the information provided by the MC members and observers;
- m) Endorses the decisions and the minutes of the MC meetings, before their submission to the head of the Managing Authority for the signing process.

(3) Any request for information regarding the activity of the MC is addressed to the permanent Secretariat, electronically.

#### **Art. 9 - MC Meetings**

(1) The MC shall meet at least once a year, in localities within the eligible area of the Programme. Exceptionally, the meetings may be organized outside the eligible area, with the approval of the Chair and Co-Chair of the MC. The meetings can be organized, in duly justified situations, in an online or hybrid format, with the prior agreement of the Chair and Co-chair.

(2) The meetings will take place respecting, if possible, the principle of rotation between the two states as regards the location of the meetings.

(3) If serious problems appear in the implementation of the Programme or if urgent decisions must be adopted, decisions that will lead to the improvement of the implementation of the programme, the MC can meet in extra-ordinary meetings at the initiative of the Chair and Co-Chair, at the request of the European Commission or at the request of one third of the MC members. In the last two cases, the proposal is submitted in written form to the permanent Secretariat, which immediately informs the Chair and Co-chair, who will decide on the organization of such a meeting.

(4) The convening of the meetings, the transmission of the provisional agenda and of the support documents is done by the permanent Secretariat at least 10 working days before the date of the meeting.

(5) The deadline for the MC members to send their comments on the documents and agenda to the permanent Secretariat is 5 working days before the date of the meeting; all the comments shall be aggregated by the permanent Secretariat and sent to MA and NA. The MA in cooperation with NA formulates its position regarding the received comments, position which is consequently transmitted by the permanent secretariat to all the MC members, together with improved versions of documents - if the case - within at least two working days before the date of the meeting.

(6) At the written request of any MC member, addressed to the permanent Secretariat within at least 5 working days before the MC meeting, the initial provisional agenda can be revised, with the approval of the Chair, after the agreement of the Co-chair. All the working documents for the meeting will be circulated together with the provisional agenda.

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(7) The permanent Secretariat may provide the members of the MC with other relevant information regarding the provisional agenda (until the day of the meeting or even during the meeting), in order for them to have at their disposal the most recent information regarding the subjects of the provisional agenda.

(8) Convoking MC meetings will always be done in written form, the invitations being submitted by email, with the request to confirm the participation.

(9) At the beginning of each meeting, the agenda of the respective meeting will be adopted together with the minutes of the previous MC meeting.

(10) 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 be maintained even after the end of their mandate. In case these provisions are not respected by a member, the individual may be revoked by the Chair and Co-chair, and shall be replaced by the organisation, after clarification has been provided to the matter. These provisions shall equally apply to voting members, their deputies or substitutes, as well as observers and any other guests/ experts invited.

(11) In order to avoid any conflict of interests, the MC members, deputy members or their representatives will not take part to the decision-making process regarding the issues where they find themselves in a conflict of interest. The members and observers, their deputies or representatives, as well as any guests will sign a *declaration of confidentiality and impartiality* at the beginning of the first meeting they attend. The Declaration shall be valid for the entire mandate, unless circumstances change. All documents submitted for approval of the MC are confidential until their approval by the MC. In case that, between two meetings a MC member/observer finds him/herself in a conflict of interest situation, he/she should notify in written form the Permanent Secretariat of the Monitoring Committee.

(12) At the beginning of each meeting or at the beginning of the written consultation procedure, the MC members are requested to declare any conflict of interests that might exist on certain points of the agenda.

(13) In case of written decision procedure, the MC members, observers or their deputies who have not yet submitted *declarations of confidentiality and impartiality* shall provide them signed via e-mail (scanned/electronically signed). In case of hard copies, the original signed declaration shall be submitted to the permanent secretariat at the next MC meeting or by post.

(14) A member that declares his/her involvement into one of the agenda points under discussion may be requested by the Chair/Co-chair to withdraw from the meeting during the discussions on that specific issue, or may be requested not to participate to the examination and the decision-making process regarding the mentioned issues.

(15) The decisions adopted during the MC meeting are summarized in a document called *Synthesis of Decisions*. This document is elaborated by the permanent Secretariat and is submitted to all MC members, as well as to other persons responsible for the fulfillment of the decisions, not later than 2 working days from the date of the meeting. Subsequently, this document is annexed to the Minutes of the meeting.

(16) The Minutes of the meeting, drafted by the permanent Secretariat, are submitted to all the participants not later than 7 working days from the date of the meeting, by e-mail.

(17) The remarks on the Minutes are submitted to the permanent Secretariat in a period of maximum 5 working days from the sending date and will be discussed in the next meeting of the MC. In case there are observations that cannot be postponed until the next MC meeting, these observations shall be resolved by the written consultation procedure, stipulated at article 10. The remarks on the Minutes cannot contain comments which were not made during meetings. All meetings shall be (at least) audio recorded by the Permanent Secretariat.

#### **Art. 10 - The decision-making process**

(1) A quorum is reached if at least half plus one of the voting members of each national delegation are attending the meeting.

(2) In case the quorum as described in paragraph (1) is not obtained at the time envisaged for starting the meeting, the meeting is postponed. The meeting will be restarted after one hour and the MC deliberates in a valid mode if at least one third (1/3) of the total number of voting members of each national delegation are attending the meeting, in which case only the decisions which have a formal character (in accordance with art.2(5)) can be taken.

(3) The strategic, financial, regulatory and selection decisions can only be taken with a quorum of half plus one of the MC voting members of each national delegation. In case the quorum is not obtained, a new MC meeting shall be scheduled or a written procedure shall be used.

(4) The voting members of MC shall seek consensus. In case consensus is not reached, the decision is taken between the two delegations and shall be deemed adopted if at least half plus one of the voting members of each national delegation present support it. The Chair and Co-chair must agree with it.

In case the two delegations will have different positions, the decision will not be taken. For the future, MC members should identify ways of solving possible divergent positions.

(5) In order to reach a decision, the Managing Authority shall present its proposal and, if the case, possible alternatives to this proposal.

(6) During the discussions on the available options, alternative choices may be proposed by any of the participants in line with the general framework settled by the Managing Authority.

(7) At the initiative of the Chair, Co-chair or one third of the MC members, the consultation in view of adopting the decisions may be done in written form, without arranging an actual meeting of the MC. The written consultations will be organized with the approval of the Chair and Co-chair. The agreement of the Chair and Co-chair regarding the launching of the written procedure may be exchanged via email.

(8) In case of written consultation procedure, the permanent Secretariat submits to all MC members (including deputy members and observers) the draft decision/s and the necessary documents for its/their adoption in a written form (email), with the confirmation of receipt.

(9) The objections or the agreement on the documents transmitted according to the written consultation procedure can be submitted to the permanent Secretariat in written form (e-

mail) within maximum 5 working days from the date the documents were transmitted. In exceptional cases, the Chair and Co-Chair may request the reduction of the 5 working days deadline, except the cases when a decision is taken regarding the approval/rejection of projects.

(10) If no objection was received by the deadline, the proposal is considered approved in the sent format at the end of the deadline established in the written procedure. The decisions of the MC are deemed to produce their effects from the moment they are approved by the MC, regardless of when they are signed by the Chair.

(11) In case objections are received, the permanent Secretariat transmits all received objections to the MA and NA. The MA in cooperation with NA formulates its position regarding the received objections, position which is consequently transmitted by the permanent secretariat to the MC members/observers. The lack of reaction on proposals/objections is equivalent with agreement with MA position. In case new objections are formulated or no agreement is reached, the decision shall be deemed adopted if at least half plus one of the voting members of each national delegation supports it.

(12) The permanent Secretariat submits to all MC members (including deputy members and observers) the final version of the documents adopted under the written consultation procedure.

(13) Technical mistakes in approved documents may be corrected by the Permanent Secretariat, with the prior approval of the MA, under the condition that the Permanent Secretariat consequently informs all the MC members/observers and all interested parties.

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

#### **Art. 11 - The emergency decision procedure**

(1) In case of urgent and exceptional matters, as defined in paragraph (2) of this article, the Managing Authority and the National Authority have the right to adopt jointly the decisions necessary for solving the respective matters.

(2) The exceptional and urgent matters are defined as situations when the provisions of the Programme and of other applicable official documents cannot be applied due to the fact that the respective documents do not have adequate provisions for such situations and a decision needs to be taken without delays.

(3) The joint decisions of the Managing Authority and of the National Authority should always be in line with the relevant regulations and programme rules and shall be signed by the Head of the Managing Authority.

(4) The respective decisions shall be submitted as soon as possible for ex-post approval to the Monitoring Committee via written consultation procedure.



(5) In case the decisions are not approved by the Monitoring Committee, they are repealed and cease to produce effects from the date of their repealing.

#### **Art. 12 - The technical working-groups or task-forces.**

(1) The MC may decide, at the proposal of its members, the setting up of technical working-group/s or task-force/s, with a temporary or permanent character, with the task to support the activity of MC by drafting and analyzing specific documents, by issuing specific opinions, by proposing specific solutions, etc.

(2) The technical working-group/s or task-force/s is composed of at least three representatives of each delegation, from which minimum one from local or regional level, one representative from the MA and one from the NA and one representative from the Joint Secretariat. If necessary, the observers may be invited to the meetings of the technical working-groups.

(3) The results of the meetings of the technical working-groups or task-forces are presented to the MC. The technical working-group/s and task force/s do not have decision-making power in the name of the MC.

(4) The technical working-group/s or task-forces are supported by the JS on organizational matters and also in preparing the documents.

(5) The expenses of the working -group/s or task force/s shall be covered from the TA budget of the Programme.

#### **Art. 13 Correspondence**

(1) Correspondence concerning the MC shall be submitted to the Secretariat, to the attention of the Chair/Co-chair of the MC.

(2) Correspondence for members of the MC shall be submitted to each member by the Secretariat, by electronic means. Where a member indicates to the Secretariat a specific central electronic address for correspondence related to work of the MC, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the institution to represent them in the MC.

(3) It is the responsibility of each member to indicate to the Secretariat the electronic address for correspondence and to inform on each change that may appear.

#### **Art. 14 - Code of conduct**

(1) The MC members and observers, together with their deputies are guided in their activity by the principles of the Code of conduct, which is an integral part of the present Rules of procedure and is presented in Annex 3.

(2) In case any member does not observe the Code of conduct, the MC has the right to exclude the respective member.

(3) Each member/observer and their deputies shall sign a declaration of impartiality and confidentiality and, in case the provisions of the Code of conduct and of the Rules of



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procedure are not respected, may be revoked and replaced according to the procedures provided in the present Rules of procedure. The Declaration shall be valid for the entire mandate, unless circumstances change.

**Art. 15 - Final provisions**

(1) The present Rules of procedure enter into force from their date of approval by the MC, during MC's first meeting. (2) These Rules of procedure may be amended whenever is deemed as necessary, at the initiative of one third of the MC members, the MA or the NA. Any modification/s are approved by MC decision.

(3) Amendments to the Rules of Procedure can be requested by any member of the MC.

APPROVED

**ANNEX 1**  
**to the Rules of procedure of the MC for the**  
**Programme**

**Members of the Monitoring Committee of the Interreg VI-A Romania-Bulgaria Programme**

***The Chair-ship***

*Chair - Head of the Managing Authority (not voting right/non-member)*

*Co-chair - Head of National Authority (voting member)*

***Romania:***

1. Ministry of Development, Public Works and Administration
2. Ministry of Environment, Waters and Forests
3. Ministry of Investments and European Funds
4. Ministry of Internal Affairs
5. South East Regional Development Agency, Managing Authority for the South Est Regional Operational Programme 2021-2027
6. South Muntenia Regional Development Agency, Managing Authority for the South Muntenia Regional Operational Programme 2021-2027
7. South West Oltenia Regional Development Agency, Managing Authority for the West Oltenia Regional Operational Programme 2021-2027
8. Mehedinti County Council
9. Dolj County Council
10. Olt County Council
11. Teleorman County Council
12. Giurgiu County Council
13. Călărași County Council
14. Constanța County Council
15. NGO environment - "Natura Vie" Foundation
16. NGO business - Dolj Chamber of Commerce and Industry
17. Academic institution - University of Craiova

**Romania – Bulgaria***Rules of Procedure of the Monitoring Committee for Interreg VI-A Romania-Bulgaria Programme***Bulgaria:**

1. Ministry of Regional Development and Public Works (“Territorial cooperation management” Directorate, NA for Interreg VI-A Romania-Bulgaria Programme)
2. Directorate "Central Coordination Unit", Council of Ministers Administration;
3. Ministry of Interior
4. Ministry of Transport and Communications
5. Ministry of Tourism
6. Ministry of Environment and Water
7. National Railway Infrastructure Company
8. Road Infrastructure Agency
9. North-West Region (regional administration representative/s);
10. North-Central Region (regional administration representative/s);
11. North-East Region (regional administration representative/s);
12. North-West Region (local authority representative/s);
13. North-Central Region (local authority representative/s);
14. North-East Region (local authority representative/s);
15. Academia
16. NGO representative/s - social inclusion;
17. NGO representative/s - environment, education, regional development

**Non-members (no voting rights)**

1. European Commission
2. Managing Authority
3. Joint Secretariat

**ANNEX 2**  
**to the Rules of procedure of the MC for the**  
**Programme**

**Observers of the Monitoring Committee of the Interreg VI-A Romania-Bulgaria Programme**

***Romania:***

1. Audit Authority
2. Ministry of Foreign Affairs
3. Ministry of Education
4. Association of Municipalities from Romania
5. Ministry of Transport and Infrastructure
6. Competition Council
7. Danube Strategy Point (Ministry of Development, Public Works and Administration)
8. National Council for Combating Discrimination
9. Department for Interethnic Relations
10. Youth NGO (open call)

***Bulgaria:***

1. Ministry of Regional Development and Public Works - DG "Programming of regional development
- 2, 3. Ministry of Innovation and Growth X 2;
4. Ministry of Finance
5. Ministry of Foreign Affairs
6. Ministry of Labor and Social Policy
7. Ministry of Culture
8. Ministry of Education and Science
9. Commission for Protection against Discrimination
10. Local business organizations
11. Employees' organizations

### **ANNEX 3**

#### **to the Rules of procedure of the MC for the Interreg VI-A Romania-Bulgaria Programme**

#### **Code of Conduct**

(1) The members and deputy members of the MC have the obligation to observe the following rules of conduct:

- a) to participate to all the MC meetings, as well as to the decision-making process through the written procedures, when necessary;
- b) to act in the interest of the efficient implementation of the Programme, in accordance with the scope and objectives established by the Programme;
- 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 and Co-Chair, at the beginning of or during the meeting, any situation of conflict of interests in which they might be with regard to the discussions on a specific subject. In this case, the person will exit the meeting room and will come back only after the end of discussions of that specific point on the agenda;
- e) to inform, after the closure of the meeting, the public authority, the institution or the organization that they represent about the main issues discussed and about the decisions taken;
- f) to maintain the confidentiality of the information which, if disclosed, might harm the legitimate interest of any institution, organization or person, or the information that might create illegitimate advantages through their privileged usage
- g) to observe the MC decisions, according to the Rules of procedures.
- h) to check the double financing situations of projects proposed for selection under the Programme with projects financed by the institution they represent.

(2) The obligations stipulated at the previous article must also be observed by the observers, and respectively their deputies.