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Rules of procedure of the Monitoring Committee for the Cross-Border Cooperation Programme (Interreg VI-A) Greece-Bulgaria 2021-2027

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Preamble

The European Union Member States Hellenic Republic and the Republic of Bulgaria,

on the basis of:

- The European Structural and Investment Funds Regulations, Delegated and Implementing Acts for the 2021-2027 period, especially:
 - Regulation (EU) No 2021/1060 of the European Parliament and of the Council of 24 June 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, and repealing Council Regulation (EC) No 1303/2013, and any amendment;
 - Regulation (EU) No 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund, and repealing Regulation (EC) No 1301/2013, and any amendment;
 - Regulation (EU) No 2021/1059 of the European Parliament and of 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, and repealing Regulation (EC) No 1299/2013, and any amendment.
- Commission delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds;
- Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing directive 95/46/EC (General Data Protection Regulation, GDPR);
- Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027

- The Cross-Border Cooperation Programme (Interreg VI-A) Greece-Bulgaria 2021-2027 approval by the European Commission on 13/9/2022 under Decision Number C(2022)6635

Greece and Bulgaria, in agreement with the Managing Authority, have decided to establish a Monitoring Committee (hereafter referred to as MC) for the effective implementation of the above Cross-Border Cooperation Programme (Interreg VI-A) Greece-Bulgaria 2021-2027 (hereafter referred to as CP).

Article 1: Setting up the Monitoring Committee

- 1.1 The Monitoring Committee is set up according to Regulation (EU) 2021/1059 of the European Parliament and of the Council Regulation (EU) of 24 June 2021, as well as to specific provisions concerning the provisions of the Cross-Border Cooperation Programme (Interreg VI-A) Greece-Bulgaria 2021-2027;
- 1.2 All members of the Monitoring Committee of the European territorial cooperation goal (Interreg VI-A) Greece-Bulgaria 2021-2027 are nominated by the participating Member States of the CP. The representatives of each country in the MC form the national delegations.

Article 2: Tasks

In accordance with Articles 28, 29, 30 of Regulation 2021/1059 and the approved Greece-Bulgaria (Interreg VI-A) 2021-2027 programme, the MC shall examine implementation of the programme and progress made towards achieving its objectives, in accordance with the following provisions:

- 2.1 The MC shall examine:
 - (a) the progress in programme implementation and in achieving the milestones and targets of the Greece-Bulgaria 2021-2027 programme on the basis of documents submitted by the MA;
 - (b) any issues that affect the performance of the Greece-Bulgaria 2021-2027 programme and the measures taken to address these 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 Interreg operations of strategic importance, where applicable;
 - (f) the progress in administrative capacity building for public institutions and beneficiaries, where relevant.

2.2 The MC shall approve:

- (a) the methodology and criteria used for the selection of cross-border cooperation projects as well as the terms of reference for each call for proposals
- (b) the selection of cooperation projects in accordance with article 22 of Regulation 2021/1060
- (b) the evaluation plan and any amendment there to;
- (c) any proposal by the MA for the amendment of the Greece-Bulgaria 2021-2027 programme
- (d) the final performance report.

2.3 The MC shall also decide:

- (a) on implementing modifications of cross-border cooperation projects that go beyond the discretionary powers of the MA/JS secretariat as described in detail in Programme and Project Implementation Manual;
- (b) on the implementation of the Technical Assistance.

2.4 It shall be informed of the annual control report, or of the part of the report referring to the Greece-Bulgaria 2021-2027 programme concerned, and of any relevant comments the European Commission may make after examining that report or relating to that part of the report.

2.5 It shall ensure actions to promote gender equality, non-discrimination and sustainable development.

2.6 It shall participate in the resolution of complaints in line with the programme complaint procedure laid down in the programme manual.

2.7 It shall approve the programme manual prepared by the MA/JS.

2.8 Regarding the management and monitoring of projects, the monitoring committee provides the MA/JS with discretionary powers regarding decisions on project changes, which do not have consequences on the eligibility or the results of the project as long as the purpose and other basic features of the project concerned are not altered. The scope of this mandate is specified in the programme manual.

The MC decides in cases of doubt and in all other cases not covered by this mandate.

The MA/JS will inform the MC about the decisions taken for all project changes covered by the MA/JS mandate.

In cases where the MA exercises its right to terminate a subsidy contract, the Partner States involved in the project will be informed by email at least 1 month prior to the final decision of the managing authority to terminate this contract and given the possibility to provide their opinion. The monitoring committee will be informed of the termination of a subsidy contract during the following meeting.

Article 3: Working language

The official language of the MC is English; this applies to meetings as well as to all documents and communications in general. The national languages of the cooperating Countries may be used as working languages.

Article 4: Composition

- The Monitoring Committee of the Cross-Border Cooperation Programme (Interreg VI-A) Greece-Bulgaria 2021-2027 is composed of: members with voting rights, members without voting rights and members in an advisory capacity without voting rights.
 - (a) Members **with voting right** from the **Greek side** are:
 1. The Special Secretary for ERDF and CF Programmes as co-Chairperson (Ministry of Development and Investments).
 2. The representative of the National Coordination Authority (Ministry of Development and Investments).
 3. The Regional Governor of the Region of Central Macedonia
 4. The Regional Governor of the Region of Eastern Macedonia and Thrace.
 5. The representative of the Union of Regions of Greece (ENPE);
 6. The representative of the Central Union of Municipalities of Greece (KEDE);
 7. The Representative of the Economic and Social Committee (OKE);
 8. The representative of the National Confederation of Disabled People (ESAMeA);
 - (b) Members **with voting right from the Bulgarian side** are:
 1. The representative of Ministry of Regional Development and Public Works - (Deputy Minister of Ministry of Regional Development and Public Works – co-chair) & the the representative of the Ministry of Regional Development and Public Works (Directorate “Territorial cooperation management” - NA for INTERREG V-A Greece-Bulgaria)
 2. The representative of the Council of Ministers Administration;
 3. The representative of the Ministry of Interior;
 4. The representative of the Ministry of Transport and Communications ;
 5. The governor of the District Administration – Blagoevgrad;
 6. The governor of the District Administration – Smolyan;
 7. The governor of the District Administration – Kardzhali;
 8. The governor of the District Administration – Haskovo;
 9. The representative of the Road Infrastructure Agency;
 10. The representative of National Association of Municipalities (NAMRB)
 11. The representative of the NGO sector (one voting member on rotation basis);
 - (c) Members **without voting right from the Greek side** are:
 1. The Head of the Managing Authority of the ETC programmes
 2. The representative of the Ministry of Finance;
 3. The representative of the Ministry of Foreign Affairs;

4. The representative of the Ministry of National Defence;
5. The representative of the Ministry of Education and Religious Affairs;
6. The representative of the Ministry of Labour and Social Affairs;
7. The representative of the Ministry of Health;
8. The representative of the Ministry of Environment and Energy;
9. The representative of the Ministry of Citizen Protection;
10. The representative of the Ministry of Culture and Sports;
11. The representative of the Ministry of Justice;
12. The representative of the Ministry of Interior
13. The representative of the Ministry of Migration and Asylum
14. The representative of the Ministry of Digital Governance
15. The representative of the Ministry of Infrastructure and Transportation
16. The representative of the Ministry of Maritime Affairs and Insular Policy
17. The representative of the Ministry of Rural Development and Food
18. The representative of the Ministry of Tourism
19. The representative of the Ministry of Climate Crisis and Civil Protection
20. The representative of the Special Service of Strategy, Planning and Evaluation
21. The representative of the Special Service of Certifying Authority of co-funded Programmes
22. The representative of the Financial Control Committee (Audit Authority-EDEL)
23. The representative of National Transparency Authority (AFCOS)
24. The representative of the Hellenic Federation of Enterprises (SEV);
25. The representative of the Union of Hellenic Chambers (KEEE) ;
26. The representative of the Hellenic Economic Chamber (OEE);
27. The representative of the Enterprise Greece SA – Invest and Trade;
28. The representative of the Hellenic Federation of Voluntary Non-Governmental Organisations;

(d) Members **without voting right from the Bulgarian side** are:

1. The representative of the DG "Programming of regional development" (Ministry of Regional Development and Public Works);
2. The representative of the Ministry of Tourism;
3. The representative of the Ministry of Labor and Social Policy;
4. The representative of the Ministry of Economy;
5. The representative of the Ministry of Culture;
6. The representative of the Ministry of Foreign Affairs;
7. The representative of the Ministry of Finance;
8. The representative of the Ministry of Education and Science;
9. The representative of the Ministry of Innovation and Growth;
10. The representative of the Ministry of Environment and Water;
11. The representative of the National Company Railroad Infrastructure;
12. The representative of the Commission for Protection against Discrimination.
13. The representative of local/regional business;

14. The representative of the Academia (South West University Blagoevgrad);
15. The representative of Employees organization (one voting member on rotation basis)
16. The representative of Business - employer's organisation (one voting member on rotation basis)

(e) Members in an **advisory capacity, without voting right**, are:

1. The representative of the DG REGIO of the European Commission;
 2. The representative of the European Investment Bank (EIB);
- The Chair shall have the right to invite guests and/or experts to the MC meetings. She/He shall inform the MC members before the meeting. Representatives of Authorities and experts on European Structural Fund Regional Programmes, economic, technical, social, scientific and other matters, including the Regional Managing Authorities of ERDF and ESF Regional OPs, depending on the agenda items, may be invited to attend the Monitoring Committee meetings in an advisory capacity;
 - The Joint Secretariat undertakes the secretarial support to the Monitoring Committee;
 - The composition of the MC takes into account the principles of equal opportunities;
 - In case of absence, the members of the MC may designate substitutes. The MC should be informed in writing and preferably in advance.
 - The above mentioned list of the MC members shall be published in Programme's website, pursuant to Article 29(2) of Reg (EU)2021/1059.

Article 5: Chairmanship

1. The MC shall be chaired by a representative of the hosting country or by the Managing Authority.
2. As a general rule, the Chairmanship of the MC is exercised by either Greek or Bulgarian side on an annual rotating basis; The first Chairmanship will be held by Greece;
3. For the Greek side the designated Chairperson is the Special Secretary for the ERDF and CF programmes. For the Bulgarian side the designated Chairperson is the "Deputy – Minister of Regional Development and Public Works";
4. The MC convenes, at least once a year, in the country that assumes the Chairmanship of the year. Possibly a technical meeting precedes the MC meeting, preferably on the previous day, with the participation of the National Authorities of the two partner states, the Managing

Authority / Joint Secretariat and the representative of the DG REGIO of the European Commission;

5. The Chairperson shall:
 - convene the meetings of the Monitoring Committee based on an annual meeting plan elaborated by the JS, after consultation with the MA and NA, or at the written request of a member of the Committee and the co-Chairperson of the meeting;
 - elaborate a provisional agenda, in consultation with the MA and NA;
 - perform Chairperson duties during the meetings;
 - be responsible for the proper functioning of the MC;
 - co-sign the Decisions and conclusions of the meetings of the Monitoring Committee in agreement with the co-Chairperson;
 - be responsible, in cooperation with the Managing Authority, for briefing the press on the work and Decisions of the MC;
6. The Chairperson can ask the MA to chair the meeting on his/ her behalf;
7. The co-Chairperson may be asked to share some of the Chairperson's duties before and during the meetings, if needed.
8. Annotated agenda with a summary sheet explaining each agenda point and describing the expected decision.
9. If any member of the MC sends comments, proposals or observation to the agenda points, the MA should communicate in writing its position about the proposals before the MC meeting.

Article 6: Organisation of the Meetings

1. The meeting of the MC, unless otherwise decided by the Member States, takes place in the Programme's eligible area, following the annual rotation of the MC's Chairmanship.
2. The JS provides secretarial services to the MC, which entails the following:
 - The JS, on behalf of the Chairperson of the MC and in agreement with the MA, sends an Invitation to the members of the MC, at least twenty (20) calendar days before the date of the meeting via written communication indicating the day, place and time of the meeting and a draft agenda;
 - The JS, in agreement with the Chairperson and the MA, circulates any relevant documents to the members of the MC at least ten (10) calendar days before the date of each meeting;
 - In exceptional cases, the MC meeting can be convened within a shorter period, which is not less than five (5) calendar days;
3. Any request to put an item on the agenda, on which a Decision is considered as necessary, must be communicated by the members of the MC to the Chairperson and co-Chairperson,

through the JS, preferably fifteen (15) calendar days before the date of the meeting. If there is evidence of urgency, the members may propose to add other items to the agenda at the opening of the meeting, subject to approval of the MC members, but no decision can be taken on financial issues during the meeting.

4. If a request to change the provisional agenda is made, the JS, on behalf of the Chairperson and in communication with the MA and NA, communicates the final agenda including all items to be discussed and/ or decided to the members of the MC preferably no later than fifteen (15) calendar days before the meeting.
5. All meetings are recorded and all materials are available to the MC members. Draft Summary Minutes will be taken by the JS, in consultation with the co-Chairpersons of the MC and the MA and NA, and circulated to the members of the MC preferably not later than seven (7) calendar days after the meeting has taken place.
6. The participants in the meeting may comment and/ or propose amendments to the Minutes no later than the following seven (7) calendar days after receipt of the document. Requests for modifications are sent to the Chairperson and to the Managing Authority, through the JS.
7. If no comments are received within the above mentioned period (point 6), the Minutes are considered approved. In case of comments, the JS amends the Minutes accordingly, in consultation with the Chairperson and the MA. The JS sends the final text of the Minutes to the members of the MC or informs them that no amendments have been proposed.
8. The hosting Member State, makes the necessary arrangements to ensure an efficient working session with the support of the JS.
9. Meetings can be held online in case of force majeure. The rules applicable to physical meetings are also applicable to online meetings
10. The operational costs of the Monitoring Committee meetings will be covered by the Technical Assistance's budget.

Article 7: Decision-taking procedure

1. A quorum is achieved when at least 50% + 1 of the MC members with voting right from each delegation are represented at the meeting.
2. The decisions shall be taken by consensus between the voting members of national delegations. The co-chairpersons shall do their best to ensure that a consensus is reached among the two member states. Co-chairpersons shall use all appropriate channels and shall seek to resolve any differences. A proposal shall be considered adopted if not objections are raised against it.

3. In case it is not possible to adopt a position by consensus, the voting members of MC of each national delegation take autonomous decisions on a simple majority principle (more than 50% of the votes of the voting members present at the meeting). The co-chairpersons announce the vote of each national delegation.
4. Each national delegation has one vote which will be drawn up and submitted after an internal consultation between the voting members (“one county one vote”).
5. The Decisions of the MC meeting are signed by the two co-Chairpersons. The Decisions should be read at the end of the meeting, and sent to the MC members with the final version of the Minutes.
6. Decisions regarding the administrative and programme management issues may be taken via written procedure. The Chairperson after a well-founded request of one or more of the MC members or a proposal of the MA/NA, asks the JS to initiate a Written Procedure, ensuring no abuse of the procedure. The use of the written procedure should be in general avoided for substantial programme implementation issues.
7. In case of a Written Procedure, the MA, through the JS, in consultation with and on behalf of the Chairpersons, shall send the draft Decision to the MC members and shall set a deadline for reply, allowing at least ten (10) or at least five (5) calendar days (in case of exceptionally urgent cases).
8. The MC members shall express their opinion in writing. No response within the set deadline shall be considered as an approval.
9. It is preferable that a written procedure not be used in the month of August and in the period time between December, 24th and January 2nd, unless the co-Chairpersons agree to do so.
10. The JS records the comments and objections to a written procedure or a draft Decision. An objection can be withdrawn at any time. If no objection to the procedure or the draft Decision has been received within the specified deadline, the Decision is adopted by the MC.
11. In case of objection(s), a new Written Procedure may be initiated. Alternatively, the relevant topic shall be placed on the agenda of the next MC meeting.
12. After the deadline of the Written Procedure has expired, the JS shall immediately inform all JMC members on whether the Decision is adopted or what objections have been raised;

Article 8: Impartiality – Code of Conduct

1. With regard to the tasks of the MC laid down in paragraph 2, it shall be ensured that any assessment and/ or Decision of the MC will be free from bias and must not be influenced by personal interest or involvement of any of the individual members of this Committee. In case of a conflict of interest the respective MC member has to inform the Chairperson at the beginning of the meeting. The particular representative will be excluded from the Decision making on the project/ item concerned.
2. Before a meeting, every MC member shall declare any conflict of interest in which they might be in, concerning the works and decisions of the JMC. In case of a conflict of interest, the Co-Chairs decide if the affected JMC member(s) are barred from the relevant discussions and decision making.

Article 9: Communication

1. Communication among the members of the MC and between the JS, the MA, the NA and the members of the MC shall generally be done by e-mail. Any document which shall be sent to the MC members, or the JS must be transmitted by e-mail or, if this is not possible, by post;
2. To ensure maximum transparency, a summary of both data and information, including decisions approved by the MC shall be published on the website of the programme, pursuant to Article 28(4) of Reg (EU)2021/1059. The MA informs in writing any concerned parties.

Article 10: Entry into Force and Revision

1. These rules are adopted and entered into force on the date of their approval.
2. After their adoption, the rules of procedure may be amended, following Article No 7 .

Approved by the 1st Monitoring Committee on 2/2/2023