

## **Government Gazette 1453/vol B/24-5-2016**

### **DECISIONS**

#### **No 300539/YD1605**

**Establishment and procedure of staffing the Joint Secretariats within the framework of the Cross-Border and Transnational Cooperation Programmes of the Objective 'European Territorial Cooperation', in accordance with Article 41 of Law 4314/2014, as in force**

#### **THE MINISTERS OF ECONOMY, DEVELOPMENT & TOURISM and INTERIOR & ADMINISTRATIVE RECONSTRUCTION**

Having regard to:

1. Presidential Decree 63/2005 (Gov. Gazette 98/A/2005) 'Codification of the Legislation regarding the Government and the Government Bodies',
2. Articles 41 and 43 of Law 4314/2014 'A) on the management, control and implementation of development interventions for the Programming Period 2014–2020; B) Transposition of the European Parliament and Council Directive 2012/17 of 13 June 2012 (OJ L 156/16.6.2012) into Greek law, modification of Law 3419/2005 (Gov. Gazette A 297) and other provisions' (Gov. Gazette 265/A/23-12-2014),
3. Presidential Decree 24/2015 (Gov. Gazette 20/A/27-01-2015) 'Establishment and renaming of Ministries and transfer of the General Secretariat for Social Security',
4. Presidential Decree 70/2015 (Gov. Gazette 114/A/22-09-2015) 'Re-establishment of the Ministries of Culture & Sport, Infrastructure, Transport and Networks, Rural Development and Food; Re-establishment of the Ministry of Shipping and the Aegean and Renaming thereof as the Ministry of Shipping and Island Policy. Renaming of the Ministry of Culture, Education and Religious Affairs into the Ministry of Education, Research and Religious Affairs, of the Ministry of Economy, Infrastructure, Shipping and Tourism into the Ministry of Economy, Development and Tourism and of the Ministry of Productive Reconstruction, Environment and Energy into the Ministry of Environment and Energy. Transfer of the General Secretariat for Industry to the Ministry of Economy, Development and Tourism',
5. Presidential Decree 73/2015 (Gov. Gazette 116/A/23-09-2015) 'Appointment of a Deputy Prime Minister, Ministers, Alternate Ministers and Deputy Ministers', as well as Prime Ministerial Decision No Y21/06-10-2015 (Gov. Gazette 2144 B) 'Assignment of powers to the Alternate Minister of Interior and Administrative Reconstruction, Christoforos Vernardakis',

6. Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006,
7. Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal,
8. Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006,
9. Commission Implementing Regulation (EU) No 821/2014 of 28 July 2014 laying down rules for the application of Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards detailed arrangements for the transfer and management of programme contributions, the reporting on financial instruments, technical characteristics of information and communication measures for operations and the system to record and store data,
10. Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II),
11. Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II)
12. Decision No 109283/EFTHY 1012/2015 (Gov. Gazette B/2362/2015) of the Deputy Minister of Economy, Development and Tourism on Restructuring the Managing Authority of the OPs of the European Territorial Cooperation objective of Article 5(5) of Law 4314/2014 and repealing 175294/DIOE 196/07-06-2002 (Gov. Gazette 730/B/13-06-2002),
13. The cross-border and transnational cooperation Programmes of the 'European Territorial Cooperation' Objective of the 2014-2020 Programming Period, which come under the managerial scope of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' objective of the Ministry of Economy, Development and Culture: i) Greece-Cyprus 2014-

- 2020, ii) Greece-Bulgaria 2014-2020, iii) Greece-Italy 2014-2020, iv) Greece-Former Yugoslav Republic of Macedonia 2014-2020, v) Greece-Albania 2014-2020 and vi) Balkan-Mediterranean 2014-2020,
14. Article 3 of Law 2372/1996 on the Articles of Association of the Community Support Framework Management Organisation Unit (MOU) as amended and in force,
15. Law 3386/2005 (Gov. Gazette 212/A/23.08.2005) on the 'Entry, residence and social integration of third-country nationals in the Greek State',
16. Joint Ministerial Decision No 22466/24-10-2008 (Gov. Gazette 2191/B/21.20.2008) 'Laying down the procedure and conditions for inclusion of third-country nationals staffing the Joint Secretariats as part of the Operational Programmes for the European Territorial Cooperation objective within the provisions of Law 3386/2005'.
17. The fact that this decision shall entail no expenditure, we hereby decide:

#### Article 1

##### Establishment of Joint Secretariats

1. In the context of the cross-border and transnational cooperation Programmes of the 'European Territorial Cooperation' objective, in line with Article 23 of Regulation (EU) No 1299/2013 and Articles 41 and 43 of Law 4314/2014:
- the following Joint Secretariats are hereby established and shall operate in Thessaloniki, the seat of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' objective, as the Managing Authority of the Programmes:
    - A Joint Secretariat for the 'Greece - Cyprus 2014-2020' Cross-Border Cooperation Programme,
    - A Joint Secretariat for the 'Greece - Bulgaria 2014-2020' Cross-Border Cooperation Programme,
    - A Joint Secretariat for the 'Greece - Former Yugoslav Republic of Macedonia 2014-2020' Cross-Border Cooperation Programme,
    - A Joint Secretariat for the 'Greece - Albania 2014-2020' Cross-Border Cooperation Programme,
    - A Joint Secretariat for the 'Balkan - Mediterranean 2014-2020' Cross-Border Cooperation Programme.
  - A Joint Secretariat for the 'Greece - Italy 2014-2020' Cross-Border Cooperation Programme is hereby established and shall operate under the supervision of the SMS as the Managing Authority of the Programme, with its seat in the Region of Apulia and a decentralised structure - branch at the seat of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' objective in Thessaloniki.

2. The establishment and operating costs of the Joint Secretariats seated in Greece shall be financed using the Technical Support funds of the corresponding Programmes, via the Public Investment Programme.

## Article 2

### Competences of Joint Secretariats

1. According to Article 23(2) of Regulation (EU) No 1299/2013, the Joint Secretariats assist the Managing Authority and the Monitoring Committees in carrying out their respective functions. The Joint Secretariats also provide information to potential beneficiaries about funding opportunities under Cooperation Programmes and assist beneficiaries in the implementation of operations.
2. As regards the 'Greece - Bulgaria 2014-2020', 'Greece - Italy 2014-2020' and 'Greece - Cyprus 2014-2020' Cross-border Cooperation Programmes and the 'Balkan - Mediterranean' Transnational Cooperation Programme, which are co-funded by the European Regional Development Fund (ERDF), as well as the 'Greece - Albania 2014-2020' and 'Greece - Former Yugoslav Republic of Macedonia 2014-2020' Cross-border Cooperation Programmes that are co-funded by the Instrument for Pre-accession Assistance II (IPA II), the corresponding Joint Secretariat shall assist the Managing Authority and the Monitoring Committee in the discharge of their corresponding duties.

In particular:

- a) It shall support the Managing Authority in organising meetings of the Monitoring Committee and shall provide the necessary documents and information in order to ensure qualitative implementation of the Programme in the context of its specific objectives,
- b) It shall prepare the selection criteria for operations and submit them to the Managing Authority,
- c) It shall prepare the materials for notice and submit them to the Managing Authority,
- d) It shall support potential beneficiaries in preparing their proposals. In this context, it shall organise information seminars and promote cooperation and the development of partnerships between agencies at the cross-border level,
- e) It shall support the Managing Authority and the Monitoring Committee in order to ensure that the operations are selected on the basis of approved Cooperation Programme criteria and are in accordance with the Community and national rules that govern the implementation of the Programme,
- f) It shall provide technical support to beneficiaries during the implementation of operations,

- g) It shall support the Managing Authority in collecting and electronically recording accounting records for each operation. Moreover, it shall support the Managing Authority in collecting implementation data which is necessary for financial management, monitoring, verification, audits and evaluation,
  - h) It shall support the Managing Authority in collecting and holding all documents relating to expenditure, audits and verifications in order to ensure an adequate audit trail which is in accordance with the requirements of the Regulations,
  - i) It shall support the Managing Authority in the funding procedures for Greek beneficiaries (partners) participating in included operations through their inclusion in the PIP and shall take measures for the unhindered deposit of funding for all the projects. It shall monitor the cash flow system of the Programmes under its competence and safeguard the funding needs of projects,
  - j) It shall support the Managing Authority in the finalisation of EDEL audits at the project and Programme level.
  - k) It shall prepare annual reports, and the final report for the Operational Programme, and submit them to the Managing Authority,
  - l) It shall organise and run the information bureau (where provided for),
  - m) It shall support the Managing Authority in order to safeguard Regulation requirements concerning information provision and disclosure,
  - n) It shall prepare the annual Technical Support Programme for the Implementation of the Cooperation Programme, and submit it to the Managing Authority,
  - o) It shall participate in achieving the annual goals set by the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective,
3. The role and work-flow of each Joint Secretariat may be laid down in detail in its Internal Rules of Operation, prepared by the SMS as the Managing Authority of the Programme, following deliberations with the states participating in the Programme.

### Article 3

#### Staffing and personnel of the Joint Secretariats

1. Following deliberations with each state or the states participating in each Cooperation Programme, the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective shall assess and record the staffing needs of the Joint Secretariats and, with the support of MOU, shall determine the formal, actual and additional qualifications per

type of job, including Coordinator, which shall be set out in detail in the notice.

2. The staff of the Joint Secretariat of the Greece - Bulgaria Cross-Border Cooperation Programme shall number twelve (12) individuals, who must belong to:

- a) University Education (P.E.) category: eleven (11) individuals

- b) Secondary Education (D.E.) category: one (1) individual.

The above staff includes one (1) P.E. position for an Antenna Officer / Info Point in Bulgaria.

3. The staff of the Joint Secretariat of the Greece - Italy Cross-Border Cooperation Programme shall number twelve (12) individuals, of whom:

- a) Seven (7) individual shall staff the JS in the Region of Apulia

- b) Two (2) individuals (1 P.E. and 1 T.E.) shall staff the JS branch in the seat of the MA in Thessaloniki

- c) Three (3) individuals (P.E.) shall serve as Antenna Officers / Info Points in Corfu, Patras and Ioannina.

4. The staff of the Joint Secretariat of the Greece - Cyprus Cross-Border Cooperation Programme shall number eight (8) individuals, who must belong to:

- a) University Education (P.E.) category: seven (7) individuals.

- b) Secondary Education (D.E.) category: one (1) individual.

The above staff includes three (3) P.E. positions to staff a branch in Cyprus.

5. The staff of the Joint Secretariat of the Greece - Albania Cross-Border Cooperation Programme shall number eight (8) individuals, who must belong to:

- a) University Education (P.E.) category: seven (7) individuals.

- b) Secondary Education (D.E.) category: one (1) individual.

The above staff includes one (1) P.E. position for an Antenna Officer / Info Point in Albania.

6. The staff of the Joint Secretariat of the Greece - Former Yugoslav Republic of Macedonia Cross-Border Cooperation Programme shall number eight (8) individuals, who must belong to:

- a) University Education (P.E.) category: seven (7) individuals.

- b) Secondary Education (D.E.) category: one (1) individual.

The above staff includes one (1) P.E. position for an Antenna Officer / Info Point in the Former Yugoslav Republic of Macedonia.

7. The staff of the Joint Secretariat of the Balkan - Mediterranean Cross-Border Cooperation Programme shall number five (5) individuals, who must belong to:

- a) University Education (P.E.) category: four (4) individuals.

- b) Secondary Education (D.E.) category: one (1) individual.
8. Of the above P.E. positions of each Joint Secretariat, one concerns its Coordinator.
  9. By virtue of an identical decision, the number of Joint Secretariat personnel can be adjusted, following a decision of the Monitoring Committee of each Programme.
  10. The employee selection criteria shall be specified by the Managing Authority, in cooperation with MOU S.A. and in agreement with the states participating in each Cooperation Programme.

#### Article 4

##### Staffing process of the Joint Secretariats of the Cross-Border and Transnational Cooperation Programmes

1. Staffing of the Joint Secretariats of Article 3 hereof shall be governed by the provisions of Article 41 of Law 4314/2014, as amended by Article 30 of Law 4351/2015 and Article 43 of the same law, as in force.
2. Staffing of the Joint Secretariats of the 'Greece - Bulgaria', 'Greece - Italy', 'Greece - Cyprus', 'Greece - Albania' and 'Greece - Former Yugoslav Republic of Macedonia' Cross-Border Cooperation Programmes of the 2014-2020 Programming Period shall take place following an internal call for expressions of interest of already serving employees and Coordinators of the corresponding Joint Technical Secretariats of the Operational Programmes of the 2007-2013 Programming Period and following a special evaluation procedure by an Evaluation Committee, with one such Committee established for each Programme for this purpose, in accordance with the provisions of Article 5 hereof.
3. The staffing of new positions and any positions that may become vacant at the Joint Secretariats of the Programmes of paragraph 2 following the completion of the above procedure, as well as the staffing of the Joint Secretariat of the 'Balkan - Mediterranean' Transnational Cooperation Programme shall take place via an Open Call addressing:
  - a) staff employed at MOU S.A.,
  - b) employees serving with bodies of the public sector, wider public sector and private sector in Greece and abroad.The formal, actual and additional qualifications per type of job, including Coordinator, shall be set out in detail in the notice.
4. As regards the personnel of paragraph 3 who will staff the structures seated in other states, the staffing of the Joint Secretariats shall take place via Open Call addressing employees serving with bodies of the public sector, wider public sector and private sector in Greece and abroad. The Call shall follow the

tendering procedures and publicity procedures required by European legislation and the national law of the state conducting the tender procedure. The overall procedure shall be supervised by the SMS as the Managing Service of the Programmes.

## Article 5

### Process for the evaluation of employees of the Joint Secretariats of the Cross-Border and Transnational Cooperation Programmes

#### A. Evaluation of employees of structures seated in Greece

##### A.1 Process for the evaluation of employees already serving at Joint Technical Secretariats

###### *I. Evaluation Body*

1. In order to prepare and conduct the evaluation procedure an Evaluation Committee shall be established for each Cooperation Programme, consisting of the Special Secretary for the Management of the OPs of the ERDF and CF of the Ministry of Economy & Finance or her substitute (representative of Greece as the partner-country in each Programme) as Chairperson, and the Head of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective or his substitute (as the Managing Authority of the Programme), two (2) representatives of each country participating in the Programme (as a National Authority) or their substitutes and the President of MOU or his substitute as members.
2. MOU S.A. shall prepare suitable systems and tools for implementing the overall evaluation procedure and shall undertake the provision of secretariat support to the Evaluation Committee.
3. The Evaluation Committee shall be responsible overall for conducting the selection procedure and, in particular, for evaluating candidates, holding interviews, and for the final ranking of candidates.
4. The Evaluation Committee can draft Internal Rules of Operation.

###### *II. Evaluation Procedure*

1. Employees already serving with the Joint Technical Secretariats of the Operational Programmes of the 2007-2013 Programming Period, including those who are not drawing a salary from MOU S.A. but were selected via an evaluation procedure that is common between states, are called upon by the Managing Authority, via an internal call, to submit an application for expression of interest, accompanied by a detailed curriculum vitae. Expressions of interest may be submitted by



employees only for positions that correspond to those that they held at the JTSs of the 2007-2013 Programming Period and only at the Joint Secretariat of the corresponding Cross-Border Cooperation Programme of the 2014-2020 Programming Period.

2. The Evaluation Committee shall decide on an employee's suitability following an interview and taking account of the CV and the Recommendation of the Managing Authority.

A.2 Evaluation process for staffing vacating positions at the Joint Secretariats and for staffing the Joint Secretariat of the 'Balkan - Mediterranean' Transnational Cooperation Programme.

*1. Evaluation Body*

1. In order to prepare and conduct the evaluation procedure an Evaluation Committee shall be established for each Cooperation Programme, consisting of the Special Secretary for the Management of the OPs of the ERDF and CF of the Ministry of Economy & Finance or her substitute (representative of Greece as the partner-country in each Programme) as Chairperson, and the Head of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective or his substitute (as the Managing Authority of the Programme), two (2) representatives of each country participating in the Programme (as a National Authority) or their substitutes and the President of MOU or his substitute as members.
2. As regards the 'Balkan-Mediterranean' Transnational Cooperation Programme, in particular, the Evaluation Committee shall consist of the Special Secretary for the Management of the OPs of the ERDF and CF of the Ministry of Economy & Finance or her substitute (representative of Greece as the partner-country in each Programme) as Chairperson, and the Head of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective or his substitute (as the Managing Authority of the Programme), one (1) representative of each country participating in the Programme (as a National Authority) or his substitute and the President of MOU or his substitute as members.
3. MOU S.A. shall prepare suitable systems and tools for implementing the overall evaluation procedure and shall undertake the provision of secretariat support to the Evaluation Committee.
4. The Evaluation Committee shall be responsible overall for conducting the selection procedure and, in particular, for evaluating candidates, holding interviews, and for the final ranking of candidates.

5. The Evaluation Committee can draft Internal Rules of Operation.

## *II. Evaluation Procedure*

1. A call for expressions of interest is published in two newspapers of nationwide circulation and is posted on the website of the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective and of the corresponding Cooperation Programme, as well as on the website of MOU S.A., calling upon interested parties to submit the following within the deadline set out in the Notice:

a) a CV

b) a standardised application form

c) the supporting documents specified in the detailed notice relating to formal, actual and additional qualifications.

2. The evaluation procedure shall be supported by MOU S.A. More specifically:

a) MOU S.A. shall prepare suitable systems and tools for implementing the overall evaluation procedure.

b) MOU S.A. shall receive the applications, information and supporting documents from candidates, check that the data submitted has been properly filled out and that the supporting documents required are complete, as specified in the detailed notice on formal, actual and additional qualifications. Based on the information and supporting documents submitted, MOU S.A. shall fill out an individual evaluation sheet of formal qualifications for each candidate and author an act which shall be submitted to the Evaluation Committee for approval. MOU S.A. and the Evaluation Committee shall safeguard the confidentiality of candidates' personal data.

c) All candidates who meet the formal qualifications and have submitted the supporting documents set out in the call shall be called to an interview to assess their formal, actual and additional qualifications; that interview shall be conducted by the Evaluation Committee. During the interviews, candidates may undergo a foreign language test and computer skills test. An individual evaluation sheet shall be filled out for each candidate based on the evaluation system.

d) The Evaluation Committee shall prepare a candidate ranking table with the results of the evaluation procedure.

B. Evaluation of employees of structures not seated in Greece

In order to prepare and conduct the evaluation procedure an Evaluation Committee shall be established, consisting of representatives of the

participating states and the Managing Authority. The methodology, procedure and evaluation bodies shall be jointly decided by the states participating in the corresponding Programme.

The overall procedure shall be supervised by the SMS as the Managing Service of the Programmes.

## Article 6

### Selection procedure

1. The procedure for the selection of the personnel of the Joint Secretariats in Greece shall be completed with the issuance of a Decision by the Minister of Economy, Development & Tourism, on the basis of the recommendation of the Evaluation Committee.
2. Selected employees originating from MOU S.A., from the Ministry of Economy, Development & Tourism and from agencies of the Greek public sector or wider public sector shall be seconded to the Managing Authority of the Operational Programmes of the 'European Territorial Cooperation' Objective, in accordance with Article 37 of Law 4314/2014 and placed at the Joint Secretariats by virtue of a decision of the Minister of Economy, Development & Tourism.
3. Employees selected for structures seated in Greece and originating from the Greek private sector and from the public or private sector abroad shall sign private law, fixed-term employment contracts with MOU S.A., the duration of which cannot exceed the total implementation duration of the corresponding Cooperation Programme. Selected employees shall be placed, following recruitment, at the Joint Secretariat of the Programme for which they were selected.
4. If positions become vacant during the Programming Period, cooperation may be proposed to the next candidate in the list of successful candidates. If no such list exists or has been exhausted, the procedure of the preceding articles can be repeated.

## Article 7

### Other provisions

Personnel recruited by MOU S.A. shall be employed under private law, fixed-term contracts in accordance with the provisions of Law 4354/2015 and shall be paid in accordance with the provisions of that law. More specifically, the positions of JS Coordinators are considered to be positions for Directors of Special Service Units as regards the payment of responsibility allowances and other provisions.

As regards the recruitment of employees from third (non-EU) countries by MOU S.A., prior to the issuance of the Ministerial Decision of Article 6(1), it must be

ensured that they can meet the requirements for the issuance of a residence permit required by legislation and that they are aware of the issues concerning their taxation & insurance.

Special Allowances, such as expatriation allowances, shall be paid by MOU following a decision issued by the Monitoring Committee of the Programme and if they are provided for in the pertinent Management and Control System.

This decision shall be published in the Government Gazette.

Thessaloniki, 14 April 2016

**THE MINISTERS**

<b>THE ALTERNATE MINISTER OF INTERIOR &amp; ADMINISTRATIVE RECONSTRUCTION</b>	<b>THE MINISTER OF ECONOMY, DEVELOPMENT &amp; TOURISM</b>
<b>CHRISTOFOROS VERNARDAKIS</b>	<b>GEORGIOS STATHAKIS</b>