

RULES OF PROCEDURE

**Joint Monitoring Committee of the
Interreg IPA Cross-Border Cooperation Programme
“Greece – Albania 2014 – 2020”**

Preamble

The EU Member-State, Greece and the beneficiary country Albania on the basis of

- Regulation (EU) 231/2014 of the European Parliament and of the Council of 11th of March 2014 establishing an Instrument for Pre-accession Assistance (IPA II);
- Regulation (EU) 236/2014 of the European Parliament and of the Council of 11th of March 2014 laying down common rules and procedures for the implementation of the Union’s instruments for financing external action;
- Commission Implementing Regulation (EU) 447/2014 of the 2nd of May 2014 on specific rules for Implementing Regulation 231/2014 on IPA II;
- Regulation 1303/2013 of the European Parliament and of the Council of 17th December 2013 laying down the general provisions for ERDF and other ESIF;
- Regulation (EU) 1299/2013 of the European Parliament and of the Council of 17th December 2013 laying down the general rules governing the support of the European Regional Development Fund (ERDF) to the European territorial cooperation goal;
- Commission Delegated Regulation 240/2014 of the 7th of January 2014 on the European Code of Conduct on partnership in the framework of the European Structural and Investment Funds;
- The Framework Agreement dated 27.02.2015 for Albania as IPA II country and IPA II Financial Decision of the European Commission no. ... for the Interreg IPA II CBC Programme “Greece-Albania 2014-2020”;
- The Interreg IPA Cross-Border Cooperation Programme “Greece – Albania 2014 – 2020”, approved by the European Commission Decision No C30.7.2015 C(2015) 5482 final;

- The Decision no 301700/ ΥΔ 4381/9-10-2015 of the Minister of Economy, Development and Tourism regarding the set up of the Greek part of the Joint Monitoring Committee of the Interreg IPA CBC Programme "Greece-Albania 2014-2020";
- The letter no 1736/14-10-2015 of the Ministry of European Integration regarding the set up of the Albanian part of the Joint Monitoring Committee of the Interreg IPA CBC Programme "Greece-Albania 2014-2020".

in agreement with the Managing Authority, have decided to establish a Joint Monitoring Committee (hereinafter referred to as JMC) for the effective implementation of the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020" according to article 38 of the Commission Implementing Regulation (EU) 447/2014 so as to perform its functions according to articles 49 and 110 of Regulation (EU) 1303/2013.

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| <p>Article 1 General provisions</p> |
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(1) The Joint Monitoring Committee of the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020" (hereinafter referred to as the "JMC") is a permanently Programme acting body established in accordance with Art. 38 of the Commission Implementing Regulation (EU) 447/2014, as well as with the implementing provisions of the IPA II CBC Programme.

(2) These rules of procedure are drawn up within the institutional, legal and financial framework of the participating countries and are in compliance with the JMC mandate set out by the Commission in accordance with Art. 38(2) of the IPA II Commission Implementing Regulation (EU) 447/2014. They are adopted by the JMC at its first official meeting.

(3) The members of the Joint Monitoring Committee are nominated by the participating countries on a written request of the Managing Authority.

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| <p>Article 2 Scope and tasks</p> |
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The overall task of the JMC is to ensure the overall effectiveness, quality and coherence of implementation of all actions towards meeting the objectives set out in the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020", the financing agreements and the relevant strategy papers, according to articles 38 of the Commission Implementing Regulation (EU) 447/2014 and articles 49 and 110 of Regulation EU 1303/2013.

- (1) In order to fulfil its role, the JMC shall:
- (a) Approve and modify, if necessary, its rules of procedure;

- (b) examine and approve the methodology and criteria used for selecting the operations financed by the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020" and approve any revision of those criteria in accordance with programming needs;
- (c) establish, if considered necessary, and with consensus, additional eligibility rules for the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020", according with article 18 of Regulation 1299/2013;
- (d) periodically review implementation of the programme and progress made towards achieving its objectives. In doing so, on the basis of documents submitted by the Managing Authority, including data provided by the Albanian Operating Structure. It shall carry out monitoring by reference common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, the financial data and the milestones defined in the Programme and, where relevant, the results of qualitative analyses.
- (e) examine and approve the evaluation plan for the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020" and any amendment of the evaluation plan and examine the results of implementation, particularly achievement of the targets set for each priority axis as well as the results of evaluation during the programming period to assess effectiveness, efficiency and impact of the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020"; It shall also examine the progress made in implementation of the evaluation plan and the follow-up given to findings of evaluations;
- (f) examine and approve according to article 42 of the Commission Implementing Regulation (EU) 447/2014 the annual and final reports on implementation referred to in Article 14 of Regulation EU 1299/2013 and article 50 of Regulation EU 1303/2013 prior to their submission to the European Commission;
- (g) examine and approve any proposal made by the Managing Authority in cooperation with the Albanian Operating Structure for any amendment to the operational programme and propose, if appropriate, any revision or amendment of the cross border programme in order to improve its performance in achieving its target;
- (h) examine and approve, on the basis of the proposals made by the Managing Authority in cooperation with the Albanian Operating Structure, of the multiannual action plan of the Technical Assistance 's budget;
- (i) examine and approve the communication strategy for the operational programme within six months after the adoption of the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020" and any amendment of the communication strategy and be informed of its implementation;
- (j) examine and approve the material for the Call of Proposals (application forms, supporting documents, guidelines etc.);
- (k) examine all issues that affect the performance of the programme, including the conclusions of the performance reviews.
- (l) be presented with the annual control report and of the annual audit opinion, referred to in Article 128(3) of Regulation EU 1303/2013, as well as of any relevant comments the Commission may raise after examining these reports;
- (m) be responsible for selecting the operations to be funded under the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020", according to article 39 par.1 of the

Commission Regulation 447/2014 and decide on complaints addressed to the Managing Authority regarding its decision on the selection of operations.

(n) be responsible for setting up a Joint Steering Committee, acting under its responsibility for assisting the JMC in the selection of operations to be funded under the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020". The Joint Monitoring Committee shall validate the rules of procedure set up by the Joint Steering Committee;

(o) make observations to the Managing Authority regarding implementation and evaluation of the programme including actions related to the reduction of the administrative burden on beneficiaries. It shall monitor actions taken as a result of its observations.

(p) be informed of the annual working plan of the Joint Secretariat;

(q) examine actions of the Programme to promote sustainable development;

(r) examine actions to promote equality between men and women, equal opportunities, and non-discrimination, including accessibility for persons with disabilities;

(s) establish, if necessary, working groups, especially thematic cross-border groups on specific issues relevant to the Programme's implementation.

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| Article 3 Working language |
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The official language of the JMC is English; this applies to its meetings, as well as to all documents and communication in general. Simultaneous interpretation to and from the national official languages of the participating countries and translation of documents may be provided, as appropriate.

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| Article 4 Composition of the JMC |
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(1) The JMC is a collective body and is composed of equal number of representatives from Greece and Albania.

(2) The members of the JMC are appointed by the two participating countries in the Interreg IPA CBC Programme "Greece - Albania 2014-2020" and represent, in a balanced and effective manner, the competent national, regional and local authorities reflecting the programme's eligible territory.

(3) The JMC's composition also reflects, in accordance with national rules and practice, a partnership with the economic and social partners and any other appropriate body representing civil society, environmental partners, non-governmental organisations and bodies responsible for promoting equality between men and women.

(4) The representatives of the European Commission, as well as representatives of the Managing Authority, the Certifying Authority and the Audit Authority, shall participate in the work of JMC in an advisory capacity.

(5) Specialists or experts on economic, technical, social, scientific and other matters, depending on the agenda items, may be invited to attend the Joint Monitoring Committee meetings in an advisory capacity.

(6) Exceptionally, in cases where a member is not in the position to participate in a meeting of the JMC, she/he may be replaced by her/his acting representative. Any proposals for changes to the synthesis of the JMC shall be communicated to the Joint Secretariat ten (10) days prior to the Committee's meeting at the latest.

(7) The composition of the JMC, including observers, as appropriate, is set out in Annex 1. The members listed in Annex 1 shall be designated by their respective national authorities. The list of the members of each participating country participating in the JMC will be published in each respective country and the full list of the Members of the JMC will be published on the website of the Interreg IPA CBC Programme "Greece- Albania 2014-2020".

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| Article 5 Secretariat |
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In accordance with article 23 par. 2 of Regulation 1299/2013 the JMC shall be supported by the Joint Secretariat that will be set up by the Managing Authority after consultation with both participating countries, acting under the responsibility of the MA, in carrying out its respective functions.

(1) Secretarial duties for the JMC will be therefore performed by the Joint Secretariat regarding the proper functioning of the JMC and its works and in particular it shall:

(a) collect and/or elaborate, translate and distribute to all members of the JMC the documents and materials (reports, analyses, proposals, etc.) needed for the work of the JMC;

(b) organize and carry out the preparation of the JMC meetings and assist its activities;

(c) draft minutes of the meetings of the JMC and consolidate reports;

(d) be responsible for keeping the documentation of the JMC;

(e) prepare the results and decisions of the JMC;

(f) ensure publicity, as appropriate, concerning the work of the JMC;

(g) update the web site of the programme with information relevant to the works of the JMC;

(2) The Joint Secretariat shall act as the contact point of the JMC and all correspondence concerning the activities of the JMC shall be addressed to it.

Article 6

Chair

- (1) The JMC is co-chaired by Greece and Albania;
- (2) JMC is chaired in rotation by Greece and Albania on a yearly rotating basis;
- (3) The first chair of the JMC will be held by Albania;
- (4) For the Greek side the designated chairperson is the Secretary Special for the Management of Sectoral Operational Programmes of ERDF and CF of the Ministry of Economy, Development and Tourism or his/her delegate. For the side of Albania the designated chairperson is the Secretary General of the Ministry of European Integration or his/her delegate.
- (5) The Chairperson shall:
 - (a) formally convene the meetings of the Committee based on an annual meeting plan elaborated by the JS, after consultation with the MA, or at the written request of a member with a voting right, endorsed by both the co-chairpersons;
 - (b) elaborate a provisional agenda in consultation with the Managing Authority;
 - (c) perform chairperson duties during the meetings;
 - (d) be responsible for the proper functioning of the JMC;
 - (e) co-sign the decisions/conclusions of the meetings of the Joint Monitoring Committee together with the co-chairperson, after they have been agreed with the Joint Monitoring Committee members;
- (6) During the meeting, the chairperson may request the Managing Authority to chair the meeting on his/ her behalf; in this case, voting rights are not affected;
- (7) The co-chairperson can share some of the chairperson's duties before and during the meetings.

Article 7

Meetings of the JMC

- (1) The JMC is convened at least once a year, preferably in the country that assumes the chair upon the initiative of the participating countries and an invitation by the chair.
- (2) Each meeting of the JMC, unless otherwise decided by the participating countries, takes place in the Programme's eligible territory, following the rotation of JMC's chairmanship.

(3) The Joint Secretariat, on behalf of the Chairperson, shall send the invitations of the JMC's meetings to the members of the JMC, in writing, together with the draft agenda, fifteen (15) calendar days prior to the date of the JMC meeting.

(4) In exceptional cases, invitations to the JMC members may be forwarded within a shorter period of at least ten (10) calendar days.

(5) The supporting documents shall be submitted by the JS, in agreement with the Chairperson, at least ten (10) calendar days before the date of the meeting. This information and all relevant documents and material may be provided alternatively by e-mail or fax.

(6) The agenda shall make a distinction between issues presented to the JMC for a decision and other issues put to the JMC for information or a simple exchange of views.

(7) The members of the JMC may make proposals for amendments to the agenda in writing, addressed to the Chairperson through the Joint Secretariat, not later than ten (10) calendar days prior to the meeting. Any amendments of the agenda after this deadline can be made only with a consensus among the JMC's members during its meeting.

(8) The JMC shall adopt its agenda at the beginning of each of its meetings.

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| Article 8 Decision making |
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(1) A quorum is achieved when 50%+1 of the members with a voting right from each country is present.

(2) The decisions of the JMC are taken in a spirit of consensus among the members with a voting right. In principle each participating country has one vote.

(3) In cases where consensus cannot be reached, the Chair shall seek to resolve any differences among the participants and shall use all appropriate channels through informal consultations, to identify alternatives on which a consensus may be reached.

(4) In the case where consensus cannot be reached, the JMC may decide to adopt a decision with a simple majority (50%+1) of the present members with a voting right, always along with the agreement of the co-Chairpersons.

(5) At the end of the meeting the Chair reads out loud the decisions taken in order for the members of the JMC to validate them and the two co-chairpersons sign the relevant document.

(6) Decisions of the JMC shall be made public upon validation of the minutes of the JMC's meeting.

(7) Where needed, decisions may be adopted by a written procedure. The written procedure shall be launched by the Chair or on his/her behalf with the assistance of the Joint Secretariat.

(8) In case of a written procedure under the previous paragraph, the Joint Secretariat shall send all necessary documents to the members of the JMC together with the draft proposal and shall fix a deadline, allowing at least fifteen (15) calendar days from the date of launch of the written procedure for any written reply to reach the JS. In exceptionally urgent cases, the JMC may allow only ten (10) calendar days for written

replies. The proposal shall be deemed adopted by the JMC if there are no written objections until the expiry date of that period.

(9) If an objection to a written procedure or to a draft Decision is raised, another written procedure may be initiated or the matter shall be placed on the agenda of the next meeting of the Joint Monitoring Committee. An objection can be withdrawn at any time. No objection to the procedure or to the draft Decision received by the JTS in the specified deadline, will be considered as approval.

(10) During August, or in case of unforeseen circumstances, this deadline is modified accordingly.

(11) The Chair shall inform the members of the JMC within ten (10) calendar days after the deadline on the results of the written procedure.

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| Article 9 Records of the meetings |
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(1) The Joint Secretariat shall draft minutes of each meeting of the JMC. The minutes shall contain the agenda of the meeting, the list of participants and the summary of the decisions adopted during the meeting. It may also include important observations, questions or queries that JMC members have made during the meeting.

(2) The draft minutes shall be submitted to the JMC members for comments or corrections within fifteen (15) calendar days following the meeting. The final version of the minutes shall be sent to the participants within thirty (30) calendar days following the meeting.

(3) The minutes of the meeting shall be published on the Web site of the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020".

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| Article 10 Communication |
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(1) Communication among the members of the JMC and among JS, the MA and the members of the JMC shall generally be done by e-mail. All document addressed to the members of the JMC or the JS must be sent by e-mail or, if this is not possible, by fax or post.

(2) Every possible effort shall be made in order to ensure the correctness and effectiveness of communications.

(3) The relations with the media shall fall within the responsibility of the co-Chairpersons, in co-operation with the Managing Authority. Any statement made by any other member of the JMC shall not be considered as an official position of the JMC, unless otherwise agreed.

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| Article 11 |
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Code of conduct

Members of the JMC are bound to observe the following rules of conduct:

(1) Every member of the JMC shall participate in establishing, maintaining and enforcing high standards of conduct of the JMC and shall personally observe those standards so that the integrity of the JMC is preserved.

(2) The members of the JMC shall act in the interest of an efficient implementation of the Interreg IPA CBC Programme "Greece – Albania 2014 – 2020", in accordance with the scope and objectives of the Programme;

(3) The members of the JMC shall not be dependent on persons that could affect his/her impartiality in exercising his/her functions as a member of the Committee.

(4) The members of the JMC shall take decisions in the public interest and not to act in the purpose of obtaining financial advantages or other benefits and privileges for themselves or for others.

(5) Before every meeting of the JMC every JMC member shall sign a declaration of impartiality, confidentiality and absence of any conflict of interest in which they might be in, in relation to the discussions and works conducted in the JMC on a specific matter in accordance with the paragraphs (1), (2) and (3) above, and leave the room until a decision has been taken on this matter.

(6) Meetings of the JMC are confidential in nature and its members are bound to confidentiality. Members are not entitled to disclose any details of the discussions that took place during the meetings. This obligation survives after the end of their mandate.

(7) In case these provisions are not respected by a member, the individual may be revoked by the Chair, and shall be replaced by the organisation, after clarification has been provided on the matter.

(8) These provisions shall equally apply to voting members, their deputies or substitutes, as well as observers and any other expert invited.

Article 12

Revision

(1) These rules are adopted by unanimous decision by the Joint Monitoring Committee at the occasion of its first meeting.

(2) After their adoption the rules of procedure may be amended by the JMC only by consensus.

Article 13

Validity

These rules of Procedure shall enter into force at the first meeting of the JMC. They shall remain valid and in force until acceptance of the Programme closure documents by the European Commission.

Approved by the Joint Monitoring Committee in Tirana on 10/11/2015

Annex 1 – Composition

1. Members with a voting right are the following:

From the side of Greece

1. Special Secretary for the Management of Sectoral Operational Programmes of ERDF and CF of the Ministry of Economy, Development and Tourism as the co-chairperson.
2. Representative of the NSRF National Coordination Authority
3. Regional Governor of Western Macedonia
4. Regional Governor of the Region of Epirus
5. Regional Governor of the Region of Ionian Islands
6. Representative of the Association of the Regions of Greece
7. Representative of the Central Union of Municipalities of Greece
8. Representative of the Economic and Social Committee (OKE)
9. Representative of the National Confederation of Disabled People

From the side of Albania

1. Secretary General of the Ministry of European Integration as the co-chairperson. In case of absence or impediment the co-chairperson is represented by the Director of CBC and Transnational Cooperation Unit of the Ministry of European Integration
2. Director of CBC and Transnational Cooperation Unit of the Ministry of European Integration
3. Representative of the Ministry of Transport and Infrastructure
4. Representative of the Ministry of Economic Development, Tourism, Trade and Entrepreneurship
5. Representative of the Ministry of Agriculture, Rural Development and Water Administration
6. Regional Council of Gjirokastër
7. Regional Council of Berat
8. Regional Council of Vlora
9. Regional Council of Korçë

2.Members without voting right are the following:

From the side of Greece

- a) The Head of the Managing Authority
- b) Representatives of the following public authorities
 - Ministry of Foreign Affairs
 - Ministry of Economy, Development and Tourism
 - Ministry of Employment and Social Protection
 - Ministry of Education, Research and Religious Affairs
 - Ministry of Environment and Energy
 - Ministry of Infrastructure, Transport and Networks
 - Ministry of Maritime Affairs and Insular Policy
 - Ministry of Culture and Sports
 - Ministry of Interior and Administrative Reconstruction
 - Ministry of Health
 - Ministry of Internal and Administrative Reconstruction for the competences of the former Ministry of Macedonia and Thrace
- c) Representatives of the coordination, certification and audit authorities:
 - Special Service for Coordination of Implementation (EYSE) or the Special Service for Strategy, Planning and Evaluation (EYSAA) or the Special Service for Institutional Support (EYTHY)
 - Certifying Authority
 - Financial Control Committee (EDEL)
- d) Representatives of the economic and social partners and NGOs:
 - Hellenic Federation of Enterprises (SEV)
 - Central Union of Hellenic Chambers of Commerce and Industry (KEEE)
 - Hellenic Economic Chamber (OEE)
 - Hellenic Foreign Trade Board
 - Federation of NGOs

From the side of Albania

1. Agency for the Audit of EU Programmes (Albanian Audit Authority)
2. Agency for the Support of the Civil Society
3. Representatives of First Level Control Office (FLCO)

e) Representatives of the European Commission:

- Directorate General for Regional and Urban Policy
- European Investment Bank