

**Rules of Procedure**

of the

**Monitoring Committee**

for the implementation of

**the European Territorial Co-operation Objective Programme  
"Estonia – Latvia Programme 2007-2013"**

Preamble

The Member States Estonia and Latvia

on the basis of

- Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund (hereafter referred to as the "General Regulation");
- Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund (hereafter referred to as the "ERDF Regulation");
- Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of the General Regulation and the ERDF Regulation (hereafter referred to as the "Implementing Regulation"); and
- European Territorial Co-operation Objective Programme "Estonia – Latvia Programme 2007-2013", CCI No. 2007 CB 163 PO 050, approved by the European Commission on 21 December 2007, Commission Decision No. C(2007)6603 (hereafter referred to as the "Programme");

in agreement with the Managing Authority of the Programme;

have set up a joint Monitoring Committee for the implementation of the European Territorial Co-operation Objective Programme "Estonia – Latvia Programme 2007-2013" to which the following Rules of Procedure shall apply.

Rule 1

*Name, Seat and Competences*

1. The Monitoring Committee shall be known henceforth as the "Monitoring Committee for the Implementation of the European Territorial Co-operation Objective Programme "Estonia – Latvia Programme 2007-2013"" (hereafter referred to as the "Monitoring Committee" or "MC").
2. The official seat of the Monitoring Committee is at the "Joint Technical Secretariat of the Estonia – Latvia Programme" in Tartu, Estonia (hereafter referred to as the "Joint Technical Secretariat" or "JTS"). This shall not prejudice the places of the meetings of the Monitoring Committee which shall be fixed by the Monitoring Committee at the previous meeting.
3. The competences of the Monitoring Committee shall persist until the Programme is wound up.

## Rule 2

### *Tasks*

1. The Monitoring Committee shall supervise the implementation of the Programme. Its overall task is to ensure the effectiveness and quality of the implementation of the Programme and the accountability of the Programme operations.
2. In accordance with Article 65 of the General Regulation, the Monitoring Committee shall satisfy itself as to the effectiveness and quality of the implementation of the operational programme, in accordance with the following provisions:
  - a) it shall consider and approve the criteria for selecting the operations financed within six months of the approval of the operational programme and approve any revision of those criteria in accordance with programming needs;
  - b) it shall periodically review progress made towards achieving the specific targets of the operational programme on the basis of documents submitted by the Managing Authority;
  - c) it shall examine the results of implementation, particularly achievement of the targets set for each priority axis and the evaluations referred to in Article 48(3) of the General Regulation;
  - d) it shall consider and approve the annual and final reports on implementation referred to in Article 67 of the General Regulation;
  - e) it shall be informed of the annual control report, and of any relevant comments the Commission may make after examining that report;
  - f) it may propose to the Managing Authority any revision or examination of the operational programme likely to make possible the attainment of the Funds' objectives referred to in Article 3 of the General Regulation or to improve its management, including its financial management;
  - g) it shall consider and approve any proposal to amend the content of the Commission decision on the contribution from the Funds.

Furthermore the Monitoring Committee shall

- adopt the Programme Manual and approve any substantial changes to it;
- approve the Application Package before the procedure for submission of applications is launched by the Joint Technical Secretariat. The Monitoring Committee shall be informed about the amendments made to the Application Package by the Joint Technical Secretariat henceforth and may comment on it;
- give advice to proposals for operations prepared by applicants and submitted to the Monitoring Committee by the Joint Technical Secretariat;
- select operations for funding (Article 19(3) of the ERDF Regulation);
- approve the use of the Technical Assistance budget and the annual working plan of the Joint Technical Secretariat;
- decide on the execution of evaluations as referred to in Article 48(3) of the General Regulation to be financed from the Technical Assistance budget (Article 47(4) of the General Regulation);
- approve the communication plan as defined in Article 2(2) of the Implementing Regulation and drawn up by the Managing Authority, and any future substantial changes to it, before it is sent

to the Commission;

- confirm the draft description of the management and control systems of the operational programme as required by Article 71(1) of the General Regulation and Article 23 of the Implementing Regulation, before it is submitted to the European Commission by the Audit Authority.
3. The Joint Technical Secretariat shall act as a secretariat of the Monitoring Committee, i.e., organise its meetings, prepare all documentation, draft the minutes, prepare, implement and follow up its decisions, including running written procedures, etc.
  4. The Monitoring Committee may decide to set up advisory groups or task forces if and as appropriate or decide on other organisational arrangements in order to support the implementation of the Programme.

### Rule 3

#### *Composition of the Monitoring Committee*

1. The Monitoring Committee of the Programme shall have a limited number of representatives from national, and regional or local level of both Member States, and of socio-economic partners to ensure efficiency and broad representation.
2. The members of the Monitoring Committee shall be appointed by the responsible authority in each Member State. Any appointment and any recall of a member of the Monitoring Committee shall be reported to the Joint Technical Secretariat immediately.
3. The Monitoring Committee shall strive for a balanced representation of men and women. Its membership shall be composed of:

maximum 7 representatives from both Estonia and Latvia (including, as a minimum requirement, a representative of the national authority responsible for the European Territorial Co-operation Objective programmes, and maximum 2 representatives of socio-economic partners from each Member State).

4. The Member States as well as the other authorities concerned have the right to substitute their representatives both by appointment of deputies upon their nomination or send a substitute to the Monitoring Committee meeting. As a rule, the member of the Monitoring Committee shall participate at the MC meeting. In case the member is unable to attend the meeting, he/she may send a deputy to the meeting by informing prior the JTS. In exceptional and duly justified cases only, after informing the chairman of the Monitoring Committee about the reasons why neither the MC member nor his/her deputy are unable to attend the MC meeting, the member of the MC may send a substitute to the MC meeting, whose participation is subject to prior notification to and approval by the chairman.

Any appointment and any recall of a deputy member of the Monitoring Committee shall be reported to the Joint Technical Secretariat immediately.

5. At its own initiative or at the request of the Monitoring Committee, a representative of the European Commission shall participate in the work of the Monitoring Committee in an advisory capacity. Representatives of the Managing Authority, the Certifying Authority, and, where appropriate, the Audit Authority, shall participate in the work of the Monitoring Committee in an advisory capacity. The aforementioned parties have no right to vote.

6. The chairman of the Monitoring Committee shall have the right to invite only in duly justified cases others to the meeting of the MC as observers, whose participation is subject to prior co-ordination with the Joint Technical Secretariat. In duly justified cases only, and subject to prior notification to and approval by the chairman, MC members can be accompanied by observers.

#### Rule 4

##### *Chairmanship and Meetings*

1. The Monitoring Committee shall have a chairman and a co-chairman, representing the national authority responsible for the European Territorial Co-operation Objective programmes in each Member State. Applying a rotation principle, chairmanship and co-chairmanship shall alternate annually between the Member States. They shall be appointed for one year at a time by the respective Member States as determined below:

	Chairmanship	Co-chairmanship
2008	Estonia	Latvia
2009	Latvia	Estonia
2010	Estonia	Latvia
2011	Latvia	Estonia
2012	Estonia	Latvia
2013	Latvia	Estonia
2014	Estonia	Latvia
2015	Latvia	Estonia

2. The chairman shall:
  - convene the Monitoring Committee at least twice each year, or at the written and substantial request of one or more of its members;
  - draw up a provisional agenda in co-ordination with the Joint Technical Secretariat, which shall be sent together with the invitation and necessary documents to the members and deputy members of the Monitoring Committee and to the authorities referred to in Rule 3.5 at least three weeks in advance;
  - perform chairman's duties during the Monitoring Committee meetings, e.g. declare the opening and closing of each meeting, direct the discussion, accord the right to speak, put questions to the vote, announce the decisions, rule on points of order, and pursuant to these Rules of Procedure, have control of the proceedings;
  - be responsible for the proper functioning of the Monitoring Committee.
3. In preparing the Monitoring Committee meetings, the chairman shall co-operate closely with the Joint Technical Secretariat and the co-chairman. If they so agree, the chairman and the co-chairman may share some of the chairman's duties during the meetings.
4. The meetings of the Monitoring Committee shall, unless otherwise is decided by the MC, be hosted by the country chairing the Monitoring Committee. Any practical arrangements, including the related expenses, shall be covered by the hosting country. The Joint Technical Secretariat shall also assist with practical and financial arrangements for the meetings.
5. Draft minutes of the meeting of the Monitoring Committee shall be prepared by the Joint Technical Secretariat and, on behalf of the chairman, sent out for comments to the participants of the MC meeting and authorities referred to in Rule 3.5 within three weeks from the date of the meeting. If no objections are raised within 10 days after the draft minutes were sent via e-mail, the minutes are considered as approved. If objections are raised, the JTS in consultation with the chairman shall

revise the minutes accordingly and agree on a final version, and send it to the Monitoring Committee. The minutes of the meeting of the Monitoring Committee shall be communicated, for information, to the parties as defined in Rule 3.5.

## Rule 5

### *Decision-Making*

1. At any meeting of the Monitoring Committee no fewer than both delegations of the Member States shall constitute a quorum.
2. All members of the Monitoring Committee as well as all other participants shall have a right to speak at the MC meeting.
3. In case the Monitoring Committee has a quorum at its meeting as defined above, decisions shall be made by consensus among the delegations of the Member States (one vote per delegation).
4. In case of opposition by one delegation, the chairman shall decide whether the motion is rejected or the decision shall be adjourned; in case of adjournment, the decision shall be taken at the next meeting of the Monitoring Committee.
5. Decisions of the Monitoring Committee may be taken via written procedure. In case when a decision-making process in writing shall be initiated, the chairman shall send the draft decision to all members of the Monitoring Committee via the Joint Technical Secretariat by an e-mail message. Delegations of the Member States shall have three weeks from the date when the proposal was sent to respond in writing via e-mail. If a written objection to the procedure or to the draft decision is raised, the matter shall be placed on the agenda of the next meeting of the Monitoring Committee. Delegations of the Member States can withdraw their objection at any time. If no written objection to the procedure or to the draft decision has been received by the specified time, the decision is deemed to be taken by the Monitoring Committee. In any case, after the three weeks time limit has expired, the Joint Technical Secretariat shall immediately inform all members of the MC on whether the decision is deemed to be taken or what objections have been raised.
6. In case the Managing Authority has profound objections concerning the compliance of a decision taken by the Monitoring Committee with the legal basis of the Programme, the decision shall not be taken until the Managing Authority by communicating with the relevant authorities and organisations will have clarified the matter. The Managing Authority shall report the result of its communication with the relevant authorities and organisations to the members of the Monitoring Committee via the Joint Technical Secretariat. A new decision by the Monitoring Committee must take the report into consideration.

## Rule 6

### *Impartiality and confidentiality*

With regard to the tasks of the Monitoring Committee, as listed in Rule 2, it shall be ensured that any assessment and decision of the MC must be free from bias and must not be influenced by partial interest of any of its individual members. To avoid any conflict of interest, each individual member, deputy member or substitute to the member of the Monitoring Committee must neither represent a lead beneficiary, nor any of the other beneficiaries of the operations under decision making. They must not be financially involved in the operations, i.e. as lead beneficiary or other beneficiary, project manager, expert or consultant subcontracted by the lead beneficiary or other beneficiary. To this end,

each member of the Monitoring Committee, as well as deputy member or substitute to the member, shall sign the declaration of impartiality and confidentiality, which is attached to these Rules of Procedure as Annexes 1, 2 and 3 respectively, at each of the MC meetings.

The parties as defined in Rule 3.5. as the advisors participating at the meeting of the Monitoring Committee with no right to vote, but with the right to participate in the discussions, shall sign the declaration of confidentiality, which is attached to these Rules of Procedure as Annex 4, at the MC meeting.

The parties as defined in Rule 3.6. as the observers participating at the meeting of the Monitoring Committee with no right to vote, but with the right to participate in the discussions, shall sign the declaration of impartiality and confidentiality, which is attached to these Rules of Procedure as Annex 5, at the MC meeting.

The chairman shall ensure that all participating members of the Monitoring Committee, or their deputies or substitutes, as well as the advisors and observers of the MC, have signed their respective declarations before any assessment and decision.

#### Rule 7

##### *Secretariat*

The Monitoring Committee shall be supported by the Joint Technical Secretariat, as defined in Rule 3 of the Rules of Procedure of the Joint Technical Secretariat.

The Monitoring Committee can be contacted through the secretariat:

Joint Technical Secretariat of the Estonia – Latvia Programme  
Sõbra 56  
51013 Tartu  
Estonia

Phone: +372 5107807

Fax: +372 6 279 701

E-mail: [info@estlat.eu](mailto:info@estlat.eu)

[www.estlat.eu](http://www.estlat.eu)

#### Rule 8

##### *Official language and communication*

1. Official language of the Monitoring Committee shall be English. This rule shall also apply to the official documents of the MC.
2. The communication of the Monitoring Committee is conducted in electronic format. The members of the Monitoring Committee and their deputies, and the advisors of the MC, are obliged to inform the Joint Technical Secretariat about their e-mail address and any changes to it.

Rule 9

*Revision*

On the completion of consideration by any ordinary membership, these draft rules shall be adopted by unanimous decision of the delegations of the Member States. After their adoption they may be amended by consensus of the current membership.

Adopted by the Monitoring Committee on 06 March 2008 by written procedure in agreement with the Managing Authority of the Programme.