

Rules of Procedure

**of the Monitoring Committee of the
Danube Region Programme 2021-2027 and
Danube Transnational Programme 2014-2020**

Preamble

The Partner States: Republic of Austria, the Republic of Bulgaria, the Republic of Croatia, the Czech Republic, Federal Republic of Germany, Hungary, Romania, the Slovak Republic, the Republic of Slovenia, Bosnia and Herzegovina, Montenegro, the Republic of Serbia, the Republic of Moldova and Ukraine (hereinafter referred to as "PS")

on the basis of

Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 (hereinafter referred to as Common Provision Regulation – CPR 2013), Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013, Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 (hereinafter referred to as ETC Regulation) and the Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 (hereinafter referred to as European Code of Conduct on Partnership)

the Danube Transnational Programme 2014-2020, approved by the European Commission (EC) on 20.08.2015 (Decision number C(2015) 5953)

Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 (hereinafter referred to as Common Provision Regulation – CPR 2021), Regulation (EU) 2021/1058 on the European Regional Development Fund and on the Cohesion Fund (ERDF Regulation), Regulation (EU) No 2021/1059 of the European Parliament and of the Council of 24 June 2021 (hereinafter referred to as Interreg Regulation) and the Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 (hereinafter referred to as European Code of Conduct on Partnership)

the Danube Region Programme 2021-2027, approved by the European Commission (EC) on 29.11.2022 (Decision number 2021TC16FFTN004),

in agreement with the programme managing authority (MA) have decided to establish a Monitoring Committee for the implementation of the Danube Transnational Programme 2014-2020 and Interreg Programme "Danube Region Programme 2021-2027" (hereinafter referred to as "IP").

The Monitoring Committee has adopted the following Rules of Procedure.

These rules of procedure apply to both Danube Region Programme and Danube Transnational Programme 2014-2020 and also replace the ones of the Danube Transnational Programme 2014-2020.

§ 1

Name and competencies

1. The PS have, in agreement with the programme Managing Authority established a committee as referred to in Article 47 of the CPR 2013 and Article 28 of the Interreg Regulation for the implementation of the Danube Transnational Programme (DTP) and Danube Region Programme (DRP). The committee will hereinafter be entitled "Monitoring Committee" or "MC".
2. The competencies of the Monitoring Committee concern the Danube Transnational Programme 2014 - 2020 and Danube Region Programme 2021-2027 and expire with the closure of the programmes.
3. The MC has the competence to create subcommittees, working groups or similar bodies.

§ 2 Tasks

1. The MC will carry out its functions in line with Article 49 of CPR 2013 and Articles 22 and 30 of the Interreg Regulation, and according to the DTP programme document chapter 5 Implementing provisions and Interreg programme document - chapter 7 Implementing provisions and the Programme Complement - chapter 4.2 monitoring committee.

§ 3

Composition

1. In accordance with Article 47 of the CPR 2013 and Article 29 of the Interreg Regulation, each Partner State participating in the programme shall appoint up to three MC¹ representatives and their substitutes.
2. The managing authority shall publish the list of monitoring committee members on the Programme's website.

¹ In case of Germany, in line with the Partner States decision, up to 4 MC representatives and their substitutes can be nominated.

3. MC members have the right to appoint a temporary delegate in case neither the full members nor the substitutes are available to represent the MC member in a specific MC meeting. The partner state shall send an official nomination for the temporary delegate.
4. The appointed representatives in the MC should represent both national as well as regional level.
5. The partnership principle laid down in Article 5 of the CPR 2013 Article 8 of the CPR 2021 and the European code of conduct on partnership shall be ensured by the MC representatives through the prior involvement of relevant partners in national coordination committees (or other mechanisms/entities as provided by the respective national rules) in preparation to the MC meetings.
6. National authorities of each participating country (listed in Annex 4 of the PC and in the IP) appoint representatives to participate in the MC in order to jointly execute programme level control and coordination over programme implementation. Any change in the composition should be reported by the respective National Authority to the MA/JS not later than 5 working days after the change took place and/ or before the next MC meeting.
7. In case the national authority and/ or the national contact point is changed, the concerned partner state shall inform in written the MA/ JS no later than 5 working days after the change took place.
8. The following institutions shall participate at MC meetings in advisory capacity and without right to vote. The role of the institutions with advisory and observer capacity is limited to providing information according to their expertise, thus supporting the decision making process.
 - Representatives of the European Commission
 - Audit Authority and Certifying Authority
 - The MA/ JS participate in advisory capacity as well as support function for the MC.
 - International, intergovernmental and/or non-governmental organisations, representatives of other programmes and/or experts if required by the agenda and the MC Chair decides to invite them (after a justified proposal from a PS).
 - Representatives of the national contact points.

- A representative of the Danube Strategy Point shall participate in the MC meetings, according to the agreement between the DRP and the EU Strategy for the Danube Region (EUSDR). EUSDR National Coordinators may participate, if invited by their national delegation.
- If required by the agenda, the MC Chair shall have the right to involve further institutions in an advisory capacity or to invite guests to the MC meetings. If the MC Chair decides so, he/she shall inform the MC members before the meeting.

§ 4

Chairpersonship and Meetings

1. The Monitoring Committee shall have a chairperson (MC Chair) representing a Partner States. MA/ JS shall support the MC Chair and ensure continuity. The MC Chair shall be given to a representative of a DTP/ DRP Partner State and rotate every six months. The appointment of the MC Chair shall be as follows:

Year	Chair 1 st half year	Chair 2 nd half year
2023	Bulgaria	Austria
2024	Bosnia and Herzegovina	Croatia
2025	Czech Republic	Germany
2026	Hungary	Montenegro
2027	Republic of Moldova	Romania
2028	Serbia	Slovakia
2029	Slovenia	Ukraine

2. The annual work plan will be developed by the MA/ JS in cooperation with representatives of both countries appointed as chair in a given year.
3. The MC Chair shall:
 - convene the Monitoring Committee in line with the yearly work plan of the programme and/or at written request of one or more of its members. At least one monitoring committee meeting will be organised per year;
 - elaborate a provisional agenda in consultation with the MA/ JS;
 - perform chairperson duties during the meetings (e.g. declare opening and closing of each meeting, direct the discussion, accord the right to speak, put questions to vote, announce decisions, summarize the decisions taken at the end of each point of the agenda, and pursuant to these rules of procedure, have control of the proceedings);
 - be responsible for the proper functioning of the Monitoring Committee.

The MC Chair can also ask the Managing Authority or the chair of the last or next half year to chair the meeting on his-her behalf.

Subcommittees, working groups or similar bodies created by the MC shall be chaired by the MC Chair, or MA/ JS.

§ 5

Meeting organisation

1. The meeting of the Monitoring Committee shall, unless otherwise decided by the Partner States, be hosted by the country chairing the Monitoring Committee.
2. Monitoring committee meetings can be organised in the form of physical meetings or online meetings. To the extent that external factors allow it at least one in person MC meeting should be organised per year;
3. The MA/ JS provides support and secretariat service to the Monitoring Committee which contains:
 - the MA/ JS on behalf of the MC Chair convenes the members of the Monitoring Committee, at least 20 working days before the date of the meeting, in exceptional cases, with agreement of all members, even within a shorter period,

with a written communication indicating the day, place and hour of the meeting and a draft agenda;

- requests for additional items to the agenda have to be submitted to the Chair and to the MA/JS in written latest 5 working days before the meeting;
 - the agenda of the meeting shall be adopted by all members at the beginning of each meeting;
 - the MA/ JS in agreement with the MC Chair circulates the final draft agenda and documents referring to foreseen decisions to the members of the Monitoring Committee at least 10 working days before the date of the next meeting; In case of project approvals, the related documents shall be sent at least 15 working days before the next meeting;
 - draft minutes will be taken by the MA/ JS, and circulated to the members of the Monitoring Committee not later than 5 working days after the meeting has taken place;
 - at the end of the MC meeting the MC members and MA/ JS will agree on the month and week of the next in person MC meeting.
4. 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 Monitoring Committee to the MC Chair and in parallel to the MA/ JS 10 working days before the date of the meeting. If there is evidence of urgency the members can propose to add other items to the agenda at the meeting itself, where it is subject to approval of its members.
 5. If a request to change the provisional agenda is made, the MA/ JS on behalf of the MC Chair communicates the definite agenda including all items on which a decision shall be taken to the members of the Monitoring Committee immediately after the expiry of the deadline mentioned in paragraph (2).
 6. Any necessary practical arrangements will be taken by the host country of the meeting with the support of the MA/ JS. Specifically the hosting country will ensure an equipped venue with technical equipment for recording and sound, which can be covered by the NCP TA if there are not free of charge. The MA/ JS will provide the catering and assist with practical arrangements for meetings.
 7. Proposals for decisions shall be provided in written, if possible for the meeting. All the decisions, will be taken during the meeting (both content wise but also

phrasing) and the content cannot be modified during the approval process of the minutes.

8. Decisions of the MC take effect and are implemented immediately. No approval of the minutes is necessary beforehand.
9. The participants of the meeting can formulate their observations or proposals of amendments concerning the draft minutes no later than the following 10 working days after receipt of the document.
10. If no observations are made within this period the minutes are deemed to be approved. If observations are made, the MA/JS amends the minutes according to the comments of the members of the Monitoring Committee. The MA/JS will send the final text of the minutes to the members of the Monitoring Committee or inform them that no amendments have been proposed.

§ 6

Decision-Making

1. Decisions can be made when at least 8 Partner States and a representative of the MA/JS are present.
2. Proposals for decisions are to be drafted in written form and - if possible - sent together with the preparatory documents before the MC meeting. Decisions to be fixed during the meeting are to be presented on the screen.
3. Decision-making will be by consensus among the national delegations of the Partner States present (one vote per delegation); votes cannot be delegated to other countries. The MC Chair shall strive towards an unanimous assent. In case such attempts remain unsuccessful, the MC Chair decides whether the motion is postponed or defeated and provides the MC with an explanation of his/her decision.
4. If a decision needs to be taken before the next MC meeting is convened, the MA/JS, in coordination with the MC Chair, can initiate a decision-making process by means of a written procedure by sending the draft decision and the concerned documents to all members of the MC.
5. Delegations of the participating Partner States shall have 10 working days from dispatch of the proposal to respond in writing to the MA/JS. In specific and duly justified cases, on the proposal of the MC Chair, the MA/JS might request to

respond in a shorter time, but not shorter than 5 days. If a written objection to the procedure or to the draft decision is raised, the matter shall be discussed by the MA/ JS, in the agreement with the MC Chair with the delegation raising the objection and, in case no solution is found, it shall be placed on the agenda of the next meeting of the MC. Delegations of the participating Partner States can withdraw their objection at any time. If no objection has been received by the specified time the proposal is considered as approved by the MC.

6. The MC members can propose amendments or editorial changes in the documents sent by written procedure. In consultation with the MC Chair, the remarks proposed should be incorporated as long as they neither change the content's meaning nor have a negative impact on any partner states' rights. In any other case, either a new written procedure shall be initiated or the matter shall be placed on the agenda of the next meeting of the MC.
7. In any case, after the 10 days' time-limit has expired, the MA/ JS on behalf of the MC Chair shall inform all members on whether the decision is deemed to be taken or what objections have been raised.
8. The decisions of the Monitoring Committee on the selected projects will be published in an appropriate way by the MA/JS, after consultation with the Chair. The MA/JS informs in writing the concerned Lead Partners about the decision.
9. In case that the MA has profound objections concerning the legal compliance of a decision taken by the MC, the decision shall be taken with reservation until the MA could clarify the matter. In case that no compliance should be asserted or no clarification could be obtained the respective decision will not come into operation. The MA shall formulate its objections in written, latest together with the draft minutes to the MC members.

§ 7

Impartiality – Conflict of Interest

1. With regard to the tasks of the MC laid down in § 1 it shall be ensured that any assessment and/or decision of the MC will be free from bias and must not be influenced by partial interest of any of the individual members of this committee. Where the impartial and objective exercise of the functions of a person attending the MC meeting is compromised because of his/her involvement in a project or for any other reason, the respective Member of the MC has to inform the MC Chair at

the beginning of the meeting. The particular representative will be excluded from the discussion and decision making on the subject matter concerned.

§ 8

Confidentiality

1. Without prejudice to Community and national rules on access to information, the discussion of the MC as well as related information included in working documents and internal sections of the programme's information system have to be treated strictly confidential, particularly with regard to sensitive documents, such as project assessment sheets and decisions on project selection. In the view of preparation for the MC meetings, when the MC members will involve the relevant national committees the latter will request to respect the confidentiality rules as well.
2. The members of the MC, as well as other invited advisors, observers and guest shall be required to respect the confidentiality obligations set out in § 8.1. The MC Chair shall ensure before starting the MC meeting that they are made aware of them.

§ 9

Secretariat of the MC

1. The MC will be supported by the MA/ JS. In particular the MA/ JS is responsible for the preparation of all documentation, the invitation and the organisation relating to MC meetings as well as their follow up (minutes drafting).
2. The MA/ JS is responsible to keep all contact details of the MC members updated.
3. The MA/JS shall inform the MC about any changes in MA/JS staffing or organisational /institutional changes concerning the MA/JS hosting institution not later than 5 working days after the change was announced/took place.

§ 10

Working language and communication

1. Working language of the MC shall be English. This rule also applies for the official documents of the MC.

2. Communication between the members of the MC and the MA/ JS shall generally be done by electronic means whereby the national contact points shall be set in copy. Transmission of documents shall be done by electronic means..

§ 11

Revision

After their adoption, the Rules of Procedure of the MC may be amended by consensus.

Agreed on