

Draft Rules of procedure of the IPA Sectoral Monitoring Committee for Regional Competitiveness Operational Programme in Turkey

Section 1

General provisions

Article 1

1. The Sectoral Monitoring Committee of the “Regional Competitiveness” Operational Programme, hereinafter referred to as **The Committee** is a permanently acting body, established under the provisions of Article 36 of the Framework Agreement agreed between the government of the ... and the Commission of the European Communities and according to the provisions of the EC Regulation No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA), namely Articles 59 and 167 thereto.
2. The rules of procedure are drawn up in compliance with a sectoral monitoring committee mandate set out by the Commission, and within the institutional, legal and financial framework of the (beneficiary country)
3. The rules of procedure are adopted in agreement with the Operating Structure and the IPA monitoring committee.

Section 2

Scope of work of the Committee

Article 2

1. The Committee:
 - a. Considers and approves the general criteria for selecting the operations and approves any revision of those criteria in accordance with programming needs;
 - b. Reviews at each meeting progress towards achieving the specific targets of the Operational Programme on the basis of documents submitted by the Operating Structure;
 - c. Examines at each meeting the physical and financial progress of implementation, particularly the achievement of the targets set for each priority axis and measures and interim evaluations, it shall carry out this monitoring by reference to the indicators agreed;
 - d. Examines the sectoral annual and final reports on implementation;
 - e. Informs itself of the annual audit activity report or of the part of the report referring to the Operational Programme and of any relevant elements the Commission may make after examining that report or relating to that part of the report;;
 - f. Examines any proposal to amend the financing agreement of the programme
 - g. Proposes to the Operating Structure any revision or examination of the programme likely to make possible the attainment of the programme's objectives or to improve its management, including its financial management, as well as to oversee cross cutting themes and publicity measures.
 - h. Provides the IPA Committee with the necessary elements to allow it to assess the overall effectiveness, quality and coherence of the implementation of the programme and operations towards meeting the objectives set out in the financing agreement as well as in the multi-annual indicative planning documents
 - i. Examines proposals from the IPA committee for possible decisions on any corrective measures to ensure the achievements of programme objectives and enhance the efficiency of assistance provided under the programme

- j. Seeks to ensure the effectiveness and quality of the implementation of the programme and operations concerned, in accordance with the specific provisions laid down in the financing agreement. It may make proposals to the Commission and the national IPA coordinator, with a copy to the national authorising officer, for decisions on any corrective measures to ensure the achievements of programme objectives and enhance the efficiency of the assistance provided
 - k. Provides the IPA monitoring committee in particular with information relating to:
 - (a) the progress made in implementing the programmes, by priority axis and, where relevant, by measures or operations; this shall include the results achieved, financial implementation indicators, and other factors and shall be established with a view to improving the implementation of the programmes; (b) any aspects of the functioning of the management and control systems raised by the audit authority, the national authorising officer or the competent accrediting officer
 - l. Examines the results of evaluations linked to the monitoring of operational programmes
 - m. Proposes to the Operating Structure any revision or examination of the programme likely to make possible the attainment of the programmes' objectives referred to in Article 155(2)(a) or to improve its management, including its financial management
2. The Committee confirms or makes proposals to the Head of the Operating Structure, to the Commission, the Strategic Co-ordinator and the National IPA Co-ordinator to revise the Programme following where relevant an evaluation, including its results as well as output and financial indicators used to monitor the assistance.
 4. The Committee will be assisted by a permanent Secretariat provided by the Operating Structure.

Section 3

Structure and Chairpersonship of the Committee

Article 3

1. The Committee is a collective body and consists of two co-chairpersons, as well as members and observers. The composition of the Committee is decided by the Operating Structure, in agreement with the Commission.
2. The Committee composition can be reviewed and extended by the Head of the Operating Structure, in agreement with the Commission, in order to guarantee sufficient representation and membership.
3. The co-chairpersons and Committee members have the right to participate in discussions and deliberations, including voting when necessary to arrive to decisions; with prior authorisation of the chairpersons observers may participate in discussions on an advisory capacity but may not participate in voting.
4. If invited by the chairpersons the observers may make recommendations and proposals if needed, having regard to the subject of the discussion.

Article 4

1. The members of the Committee may be replaced by substitutes who can take part in the meetings of the Committee as observers. The substitutes must be designated on a permanent basis and be approved by the Head of the Operating Structure. The substitutes can execute voting rights only if the titular is not present at the meeting. Before the opening of every meeting they have to inform the Secretariat that they will take part in the meeting as voting members in place of the titular.
2. Every member of the Committee has one substitute only. When neither the titular nor the substitute can attend the meeting the titular can send in writing all his/her comments on the

items in the agenda which will be distributed to the other committee members at the latest at the start of the Committee meeting. The comments are considered during the meeting and the discussions.

3. The members of the Committee and their substitutes shall be nominated by their respective authorities and appointed by the Head of the Operating Structure who will inform the Commission and the other committee members. All proposals for changes related to the above mentioned representatives should be reported to the Secretariat of the Committee at least 10 calendar days before the Committee session.
4. The Committee will examine the absence of members or their substitutes and *in the case of two consequent absence of a particular member that member shall be automatically excluded from the Committee and that an alternate member shall be designated to replace him/her.*

Article 5

1. The composition of the Committee is set out in Annex 1.

Section 4

Chairpersonship of the Committee

Article 6

1. The Committee is co-chaired by the Head of the Operating Structure for Regional Competitiveness OP and a representative of the Commission.
2. The Deputy co –chairperson is appointed by the Head of the Operating Structure
3. When the Head of the Operating Structure is not present its meetings will be co-chaired by the Deputy Co-chairperson.
4. The co-chairpersons of the Committee have the following functions and responsibilities:
 - a) setting the dates and co-chairing the Committee meetings and the works of the Committee
 - b) determining the agenda of the Committee meetings,
 - c) signing the resolutions of the Committee and minutes of its sessions
 - d) drafting and enacting the resolution of the Committee

Section 5

Secretariat of the Committee

Article 7

1. "Monitoring and Evaluation Department", which is appointed by the Operating Structure of the Regional Competitiveness Operational Programme will perform the duties of the permanent Secretariat of the Committee.
2. The Secretariat:
 - a) Collects and/or elaborates and submits to all the Committee members all the documents and materials (reports, analyses and proposals) necessary for the activities of the Committee according to provisions of Article 2 of the present Rules;
 - b) Organises and carries out the preparation of the Committee meetings and assists its activities under the supervision of the Head of the Operating Structure;
 - c) Develops the protocols of the Committee meetings;
 - d) Is responsible for the book-keeping and documentation of all the statements and decisions taken at the Committee meetings;
 - e) Coordinates the implementation of the decisions of the Committee and the necessary exchange of information between the concerned parties;
 - f) Assists the co-chairpersons of the Committee in the execution of their duties;
 - g) Keeps the documentation of the Committee;

- h) Ensures sufficient publicity measures related to the work of the Committee;
 - i) Performs other duties and functions assigned by the Head of the Operating Structure in connection of the work of the Committee.
 - j) Provides for all technical and logistical arrangements, including translation and interpretation services where necessary, to permit the effective participation in the committee discussions and resolutions by all its members
3. All correspondence, concerning the activities of the Committee is to be addressed to the Secretariat of the Committee.

Section 6

Meetings of the Committee

Article 8

1. The Committee meetings are to be held at least twice a year at the initiative of the Operating Structure or the Commission. Additional meetings can be called at the request of the Commission, the Head of the Operating Structure or a simple majority of Committee members.
2. The place where the meetings are to be held must enable easy access for all the members and avoid any restrictions and obstacles for any of the parties. It will be defined by the co-chairpersons and the members of the Committee will be informed in advance.
3. The Committee will devise a schedule of meetings with agreed dates for at least two meetings in advance.
4. The Secretariat will inform all the members in writing about the date and the draft agenda of the next meeting, including any supporting documents at least fifteen working days prior to the defined date of the Committee meeting. This information and all necessary documents and materials can be provided also by e-mail or fax.
5. The agenda shall make a distinction between proposed measures about which the Committee is asked to give an opinion and other issues put to the Committee for information or a simple change of views.
6. Under special circumstances and concerning very urgent issues the co-chairpersons can decide that this notification period may be shorter and the necessary information concerning the date and place of the meeting may be given by phone, which must be followed by written confirmation.
7. The Committee members can make proposals for the agenda of the meetings in writing, addressed to the co-chairpersons and the Secretariat, tabling a resumé of the issue, not later than five working days prior to the meeting. All proposals made by the Committee members and concerning amendments in the agenda are to be put to a vote at the beginning of the meeting.
8. For some specific issues and topics from the agenda, the co-chairpersons can invite external experts, non Committee members, to attend the meeting. These experts may take part only in the discussions of the matters they are invited to address. They are obliged to treat information discussed as confidential.

Article 9

1. All materials and documents, subject to discussion, are to be treated as confidential until the end of the meeting to which they relate or unless otherwise stated. After the end of the meetings the synthesis of the meeting is to be published on the official internet page of the Operating Structure of the Operational Programme.
2. Decisions taken at the Committee meetings which are to be followed by certain activities are sent to all Committee members within 10 working days.

3. In case that following the decisions taken at the meeting specific documents have to be elaborated, they are to be submitted to the Secretariat of the Committee within the deadline foreseen in the decision. At the next meeting of the Committee the Secretariat must report to the Committee about the implementation of the decisions or their non-performance. A body or institution which neglects the decisions taken by the Committee must submit a report by their representative Committee member providing the reasons for the non-performance or delay.

Article 10

1. Minutes are to be taken at every meeting of the monitoring Committee. The minutes are to include the agenda of the meeting, the list of participants, summaries on the topics discussed together with the statements and decisions taken and the results of voting when it takes place.
2. Within 15 working days following the day of a meeting, the Secretariat of the Committee is to send the draft minutes of the meeting to all its members present for comments and notes. These must be made within five working days following receipt of the draft. The final version of the minutes is to be prepared within 30 working days following the meeting to which they relate and must be signed by the co-chairpersons. The signed version of the minutes is to be sent to the Committee members for information.
3. The final version of the minutes from the meeting is to be approved at the following Committee meeting.
4. The working language on the Committee meetings is the English language. Simultaneous translation to and from the national official language, including for the documents and materials discussed, is to be provided if necessary.

Section 7

Quorum, decision taking and written procedures

Article 11

1. The Committee meetings are considered legal if they are attended by more than half of its voting members or their substitutes.

Article 12

1. The Committee meetings are closed. The members of the Secretariat of the Committee have the right to attend them.

Article 13

1. The Committee is a permanently acting body and the decisions of the Committee are to be taken by consensus.
2. In case that no consensus is reached the Committee will make decisions on the basis of a simple majority of the voting members present at the meeting. The voting is open, by a display of hands. The members who have voted “against” or “abstention” can express their opinions and these will be recorded in the minutes of the meeting.

Article 14

1. When it is necessary certain decisions to be taken on urgent issues and when an additional meeting is not needed, a decision taken by a written procedure can be accepted. When implementing the written procedure for decision taking, the Secretariat must send all necessary documents on the topic to the Committee members together with the draft of the decision. Every member should return his/her response or statement back within ten working days from the date of issuing the documentation. In the event that there are no negative statements, or there is no response, the proposal is to be considered approved.

2. In the case of any major and substantive objections under this procedure the co-chairpersons must decide whether:
 - a) the problematic issue should be discussed during the next Committee meeting;
 - b) the issue should be discussed with the opposing member/s.
3. Every Committee member can withdraw in writing his/her objections on every issue and at any time and thus the proposal is to be considered approved by the Committee.

Section 8

Subcommittees and working groups

Article 15

1. In certain cases, if necessary and under the decision of the Committee, permanent and/or temporary subcommittees and working groups can be established:
 - a) on strategic issues – to monitor the implementation of the objectives and the priorities of the Operational Programme;
 - b) on implementation – to oversee the physical implementation of specific priorities or measures of the Operational Programme on the basis of the information from the Management Information System;
 - c) on horizontal issues.
2. The chairpersonship of the subcommittees and working groups is provided by the Operating Structure of the “Regional Development” Operational Programme

Section 9

Code of Ethics

Article 16

1. Committee members are obliged to fulfill their obligations conscientiously.
2. Committee members, acting in their capacity, are to be responsible for all their activities.
3. Every Committee member is to sign a declaration of impartiality.
4. If a Committee member has an interest in a specific item of the agenda he/she must declare so at the beginning of each committee meeting. The chairpersons will consider the nature of the interest and propose to the Committee whether the member concerned should/should not be allowed to participate in the Committee deliberations and voting regarding that agenda item.
5. In the event of a conflict of interest for any of the Committee members during the work of the Committee he/she is to immediately inform in writing the Secretariat of the Committee and the Head of the institution/organisation which has nominated him/her as its representative in the Committee. The Secretariat of the Committee is to send a written enquiry to the head of the respective institution/organisation to nominate another person to be the Committee member as a replacement within one month. If a Committee meeting is summoned before such a replacement can be affected the concerned member may take part in the meeting as an observer without voting rights.
6. If a Committee member violates the impartiality principles the co-chairpersons through the Secretariat is to issue a written warning to him/her. In the event that the violation continues the Secretariat of the Committee is to send a written enquiry to the head of the respective institution/organisation to nominate a replacement person as Committee member within one month. If a Committee meeting is summoned before such a replacement is affected the concerned member may take part in it as an observer without voting rights.

Article 17

1. The Committee members must maintain full confidentiality concerning the work of the Committee and to restrict themselves from making public any information which is regarded confidential.
2. Official statements of the Committee on all the discussed issues are to be announced to the media by the co-chairpersons and/or the Speaker, assigned by the Operating Structure. Any statement made by any other member of the Committee can not be considered an official position of the Committee.

Section 10

Final provisions

Article 18

1. The present Rules of procedures of the Committee are to be approved by all its members at its first meeting

Article 19

2. The Rules of procedures can be amended by the Committee after written proposals by any of the voting members followed by discussions, and with the agreement of the Operating Structure and the Commission.

Article 20

3. The Rules of procedures of the Committee are developed and adopted in English on 2007.