

## RULES OF PROCEDURE

### Of the Monitoring Committee for the IPARD II Programme of Republic of Macedonia (IPARD Monitoring Committee II)

#### *I.Legislation*

##### Article 1

- (1) Article 53(1) of the Framework Agreement (FWA) provides that sectoral Monitoring Committees, here an IPARD II Monitoring Committee, shall be set up following the consultation with the Commission, no later than six months after the entry into force of the first Financing Agreement related to the respective programme.
- (2) For the purposes of Article 53(2) of the FWA, the IPARD II Monitoring Committee shall review the results of the IPARD II programme, in particular the achievement of the targets set for the different measures and the progress on utilisation of the financial allocations to those measures. In this regard, the Managing Authority shall ensure that all relevant information in relation to the progress of measures is made available to the IPARD II Monitoring Committee and the NIPAC.
- (3) According to Article 53(5) of the FWA the IPARD II Monitoring Committee shall adopt its rules of procedure, to be drawn up in consultation with the operating structure, the NIPAC and the Commission. They shall be adopted by the IPARD II Monitoring Committee at its first meeting and may be changed by the IPARD II Monitoring Committee as need arises. Such changes shall be communicated in advance to the Commission.
- (4) The IPARD II Monitoring Committee thus established shall be responsible for reporting, monitoring and evaluating the implementation of the IPARD II programme in accordance with the provisions of Section VI of the Sectoral Agreement (SA).

#### *II.Definitions*

##### Article 2

- (1) In these Rules of procedure:
  - a) "Minister" refers to the Minister of Agriculture, Forestry and Water Economy;
  - b) "Ministry" refers to the Ministry of Agriculture, Forestry and Water Economy;
  - c) "Commission" refers to the European Commission;
  - d) "Committee" refers to the IPARD II Monitoring Committee;
  - e) "Chairman" refers to Chairman of the IPARD II Monitoring Committee;
  - f) "IPARD Agency" refers to the Agency for financial support of agriculture and rural development;
  - g) "Programme" refers to the National Agriculture and Rural Development Programme under the EU Instrument for pre-accession for rural development for the period 2014-2020 (IPARD II Programme);

- h) “Secretariat” refers to the IPARD Managing Authority which functions as the Committee's Secretariat;
- i) “Operating Structure” refers to the Managing Authority and the IPARD Agency;
- j) “NAO” refers to the National Authorization Officer;
- k) “NIPAC” refers to the National IPA Coordinator.

### ***III.Appointment and structure of the Committee***

#### **Article 3**

- (1) The Committee has been set up by Decision of the Minister of Agriculture, Forestry and Water Economy no.02-1028/1 of 27.01.2016.
- (2) The Decision on the appointment of the Committee is attached in Annex.
- (3) The Committee shall be composed of representatives of relevant national authorities and bodies, other stakeholders such as economic, social, and environmental partners and civil society. Members and their alternates shall be nominated by the bodies and authorities as well as by the non-governmental institutions according to paragraph 8 A and B, in this article.
- (4) The members and their alternates shall be replaced:
  - a. On their own request;
  - b. By decision of the Minister in the case of:
    - In the event of systematic violations of their obligations
    - In the event of passed sentence for deliberate crime of general character
    - In the event of not meeting their obligations for a period longer than one year
  - c. In the event of death or setting under judicial disability.
- (5) The Chairperson and her/his Deputy shall be designated by decision of the Minister. The Chairperson should be a high representative of the Ministry, while the deputy should be on the minimum level of state advisor or head of department.
- (6) The presence of the Chairperson or her/his deputy is obligatory for the proceeding of the Committee.
- (7) All members of the Committee (in case of their absence their alternates) including the Chairperson, have each one vote.
- (8) In accordance with Article 53(6) of the FWA the Committee consists of :

#### **A) Governmental representatives:**

- Three representatives from the Ministry of Agriculture, Forestry and Water Economy
- One representative from the Ministry of Economy
- One representative from the Ministry of Environment and Physical Planning
- One representative from the Ministry of Local Self-government
- One representative from the Ministry of Culture

- One representative from the Ministry for Transport and Communications
- One representative from the Ministry of Labor and Social Policy
- One representative from the Secretariat for European Affairs
- One representative from the National Extension Agency
- One representative from the Agency for Support to Entrepreneurship
- One representative from the Agency for Food and Veterinary

All representatives shall be senior officials.

**B) Non-governmental representatives:**

1. Selected economic partners and social partners:

- One representative from the Chamber of Commerce of Macedonia
- One representative from the Association of Chambers of Commerce
- One representative from the Macedonian Association of Processors
- One representative from the Federation of Farmers of Macedonia
- One representative from the Farmer's Union of Macedonia
- One representative from the Craft Chamber
- One representative from the Association of farmers of Macedonia.
- One representative from the Federation of Women Farmers "Agrovinka"
- One representative from the Faculty of Agriculture Sciences and Food
- One representative from the Association of Local Self-governments (ZELS)
- One representative from the Faculty of Agriculture Sciences and Food
- UGD Shtip
- One representative from the Faculty of Veterinary Medicine-Skopje
- One representative from the Rural Development Network
- One representative from the Movement of Ecologists of Macedonia

(9) The Minister may dismiss the members of the Committee that have not attended the Committee meetings two times subsequently. In this case, the Minister should propose new members within 14 days.

(10) The number of 'other stakeholders' members shall be at least equal to the number of the members from the national authorities and bodies.

(11) The Committee shall supplement itself with observers from the various fields relevant to Programme implementation like the banking sector, donors, international organisations, etc.

(12) Balanced participation of men and women shall be encouraged.

(13) The Commission shall be consulted on the composition of the Committee in advance of its establishment.

(14) The members are obligated to participate and duly represent the interests of the institution.

#### **Article 4**

(1) Representatives of the Managing Authority, the IPARD Agency, the NAO, and the NIPAC shall participate in the work of the Committee as members without voting right.

(2) The Commission shall participate in the work of the Committee, in an advisory capacity, and without voting rights. The Commission representative may give an oral comment on points raised during the discussion of issues on the agenda. However, official positions on the part of the Commission are only those expressed in writing.

#### **Article 5**

(1) The Managing Authority continuously assists in the work of the Committee, and at the same time, it has the function of the Committee's Secretariat.

(2) The Secretariat provides all relevant information on the progress of the measures and, if appropriate, sub-measures, so that the Committee may carry out its responsibilities and tasks, in particular:

- a) Collects and/or elaborates and submits to all the Committee members all the documents and materials (reports, analyses and proposals) needed for the activities of the Committee;
- b) Organizes and carries out the preparation of the Committee meetings and assists during the execution of its activities;
- c) Develops the protocol and agenda of the Committee meetings;
- d) Be responsible for recording and documenting 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 Chairperson of the Committee in the execution of his/her duties;
- g) Ensures sufficient publicity measures related to the work of the Committee;
- h) Performs other duties and functions assigned by the Head of the IPARD Managing Authority and related to the work of the Committee.
- i) Provides all the technical and logistical arrangements, including translation and interpretation services, in order to ensure effective participation in the Committee's discussions and decision-making.
- j) All correspondence related to the activities of the Committee is submitted to the Secretariat of the Committee.

#### **Article 6**

- (1) The Chairperson, at his personal request or at the initiative of the other members of the Committee, may invite representatives of other state administration bodies or other domestic and foreign experts to take part in the proceedings.
- (2) Chairperson may also invite observers to be present during the meetings.
- (3) The external experts are obliged to respect the principle of confidentiality of information.

#### ***IV. Responsibilities and tasks of the Committee***

##### **Article 7**

(1) The Committee shall carry out the tasks and responsibilities laid down in Article 52 of the SA and Article 53(3) of the FWA including the following:

- a. It shall satisfy itself as to the effectiveness and quality of implementation of the Programme in order to attain the specific objectives.
- b. It shall report to the IPA Monitoring Committee. It shall provide the IPA Monitoring Committee in particular with information relating to:
  - i) The progress made in implementing the Programme, by measures or operations; this shall include the results achieved, financial implementation indicators, operational conclusions, any recommendations and other factors and shall be established with a view to improving the implementation of the Programme;
  - ii) Any aspects of the functioning of the management and control system raised by the Audit Authority, the NAO, or the NIPAC.
- c. It shall examine the results of the Programme, in particular the achievement of the targets set for the different measures and the progress on utilisation of the financial allocations to those measures in the Programme presented in the form of up-to-date monitoring tables. In this regard, the Managing Authority shall ensure that all relevant information on the progress of measures is made available to the Committee and the NIPAC.
- d. It shall periodically review progress made towards the objectives, achieving the planned output and results set out in the Programme and discuss any problematic issues and actions. For this purpose, it shall, in particular, be given the following:
  - i) Information on any sectors where difficulties are experienced,
  - ii) Information on the results of checks carried out, and,
- c. It shall consider and approve, where appropriate, any proposal to the Commission to amend the Programme.
- d. It may, following consultation with the Managing Authority and the IPARD Agency, propose to the Managing Authority for submission to the Commission, with copy to the NIPAC and the NAO, amendments or reviews of the Programme to ensure the

achievements of the Programme's objectives and enhance the efficiency of the assistance provided.

- e. It shall consider and approve the annual and final implementation reports before they are sent to the NIPAC for submission to the Commission, with copies to the NAO and the Audit Authority.
- f. It shall examine the evaluations of the Programme and approve annual evaluation plans.
- g. It shall be informed on the main conclusions of the annual audit report and the result of the controls undertaken by the IPARD Agency as well as the follow-up of these controls.
- h. It shall consider and approve the plan of visibility and communication activities referred in Article 30 of the SA as well as any subsequent updates of the plan.
- i. It shall be consulted on the technical assistance activities. It shall consider and approve each year an indicative annual action plan for the implementation of technical assistance activities including indicative amounts.
- j. Each visit and seminar co-financed by the Union under measure technical assistance shall require the submission of a written report to the Committee.
- k. When required by the Programme or by the SA, to give an opinion on any matter, it shall act accordingly.
- l. All final documents of the Committee shall be made public.

## ***V. Work of the Committee***

### **Article 8**

- (1) Meetings of the Committee shall be convened by the Chairperson and held at a location proposed by the Chairperson in consultation with Commission, 40 days in advance before next meeting. The Committee shall meet at least twice a year.
- (2) The Chairperson can, at his own initiative or at the initiative of 1/3 of members or at the initiative of the Commission, convene ad hoc meetings.
- (3) The Committee will have a quorum to hold the meeting if 2/3 of its members with voting right (or their substitutes) are present, including the Chairperson.
- (4) Notwithstanding paragraph 3 of this Article, in exceptional cases, in consultation with Commission, the Chairperson may make a decision to hold the meeting, which will be held if  $\frac{1}{2} + 1$  of the members with voting right (or their substitutes) are present.

### **Article 9**

- (1) The Chairperson shall determine a date for each meeting and propose the agenda.

(2) The Secretariat shall send the invitations together with the proposed agenda and the supporting documents electronically/or in paper version at least 15 working days prior to the meeting to the Members of the Committee. For that purpose, the members of the Committee should provide a valid e-mail address to the Committee's Secretariat. All documentation addressed to the Commission shall be sent in English.

(3) In the case there is an objection to take a decision on a topic of the agenda, the topic shall be put on the agenda of the next meeting or submitted to the Committee in written procedure.

(4) If a member should wish to add something to the agenda, he/she shall submit, in written form, such a request with the accompanying documentation at least 5 working days prior to the convened meeting.

(5) The agenda shall be adopted at the beginning of the meeting.

(6) The majority of the members of the Committee can decide to postpone a decision on a topic of the agenda to the next meeting or to be submitted to the Committee in written procedure, in case the supporting documents have not been submitted in the prescribed timeline.

#### **Article 10**

(1) Meetings of the Committee shall be closed for the public. Only the Chairperson or a person appointed by him/her shall be authorized to provide statements after the meetings.

(2) All decisions and other documents adopted by the Committee shall be prepared by the Committee's Secretariat, while they are signed and submitted by the Chairperson. The draft agenda and preparatory documents for the meeting, in the absence of the Chairperson can be signed by his/her Deputy.

(3) All decisions, presentations and final minutes of the Committee shall be made available to the public, e.g. on the Managing Authority website.

#### ***VI. Participation in the meetings of the Committee***

#### **Article 11**

(1) The Chairperson chairs the Committee meetings. In case of her/his absence this role is assumed by her/his deputy.

(2) Adjournment of the meeting, the working plan for a next meeting and other details related to the work at the meetings of the Committee shall be determined by the Chairperson.

(3) The members of the Committee are obligated to participate at the meetings (voting member). In case of her/his absence the designated alternate shall participate. However, the provisions of paragraph 3 of Article 3 shall apply.

(4) All changes of the members and their alternates as decided in accordance with the first paragraph of Article 3 shall be reported to the Secretariat of the Committee at least 15 working days prior to the meeting.

(5) The Committee shall examine the absence of members or their alternates and shall propose measures for replacement, to the bodies which have nominated them, taking into account the basic principles of the establishment of the Committee.

### ***VII. Decision making/Voting***

#### **Article 12**

(1) The decisions within the Committee can be taken if at least 2/3 (of all Committee members, including Chairperson or alternates) are present.

(2) The Committee decisions shall be reached by consensus. In the event of the Committee being unable to arrive at consensus in respect of any matter, the issue will be referred to a working group set up to resolve the issue. The Committee will be informed of the outcome of the deliberations and try to reach consensus for the second time.

(3) Where the Committee still cannot reach consensus, a voting procedure shall follow. The decision is approved if 3/4 of the members (or their alternates) present at the meeting are in favour of the proposal concerned. Every member of the Committee, who is still expressing a dissenting voice on the issue, shall have the opportunity of his opinion being reported in the minutes of the meeting.

#### **Article 13**

(1) In case of urgent matters or matters, which do not justify a meeting of the Committee, the Chairperson can submit a proposal to the members of the Committee for approval by written procedure. The Chairperson shall submit to the Committee members a draft decision duly accompanied by an explanatory memorandum. The Committee members may express an opinion on that draft decision within 7 working days of the date of transmission of those documents.

(2) The proposal shall be adopted in line with the provisions from Article 12. Once the written procedure is completed, the Chairperson shall inform the Committee members about the results, including comments from the Committee members.

(3) Any refusal to give agreement must be substantiated. A proposal refused in the framework of a written procedure as well as its substantiation shall be discussed during the next meeting.



### ***VIII. Subsidiary bodies***

#### **Article 14**

- (1) The Chairperson may set up working groups to solve specific issues or working groups to serve as advisory capacity to the Committee.
- (2) These working groups shall be made of the Committee members as well as other experts as appropriate and designated by the Committee.
- (3) Permanent advisory groups to the Committee shall be established per measure or per priority sub-sector where necessary, to monitor the progress of implementation of the programme and submit proposals and recommendations to the Committee. The work of the permanent advisory groups shall be assisted by the Secretariat.
- (4) On the basis of the results of their work, the working groups shall submit proposals and recommendations to the Committee for the specific issue for which it is established. The Committee shall be informed through the minutes of its meetings in which all viewpoints and objections shall be recorded in detail.

### ***IX. Records of the sessions***

#### **Article 15**

- (1) Minutes shall be written of each meeting of the Committee. The minutes will be written in Macedonian and English and it will contain the agenda of the meeting, the list of participants, a summary of the session with all interventions made, the result of the voting, the decisions that have been adopted, and the recommendations made by the Committee.
- (2) The minutes shall be taken and prepared by the secretariat or by a person designated by the Chairperson.
- (3) The conclusions and decisions from the meeting will be submitted to all members of the Committee, no later than 15 working days after the meeting was held.
- (4) The members of the Committee will be informed monthly about the progress and implementation of the decisions and conclusions of the meeting, except on the decisions and conclusions of the agenda and the meeting minutes.
- (5) The draft minutes of each meeting shall be circulated for comment to all members of the Committee within 30 working days after the meeting. Committee members shall submit their observations, remarks, and recommendations to the secretariat within 10 working days after the date of the documents reception.

(6) The draft minutes including the comments of the Committee members shall be submitted to the Commission for comments at the latest 5 working days after end of the commenting deadline for Committee members.

(7) The Commission shall comment on or agree with the draft minutes within ten (10) working days after the date of the documents reception.

(8) The final version of the minutes taking account of the comments made shall be submitted to the Committee members twenty five (25) working days before the next meeting.

(9) The final version of the Draft Minutes from the previous meeting will be reviewed and adopted at the beginning of the next meeting. The adopted version of the minutes will be signed by the President or his/her deputy.

(10) A copy of the minutes shall permanently be kept at the archives of the Ministry and in the Secretariat.

### *X. Follow up of the Committee decisions*

#### Article 16

(1) The Chairperson shall monitor the implementation of the decisions of the Committee and shall take the relevant measures, whenever necessary, to ensure their implementation between the meetings of the Committee.

(2) The Chairperson may require reports on the fulfilment of the Committee's decision from respective institutions. The Chairperson shall present a short report on follow-up activities to the next meeting of the Committee.

### *XI. Code of conduct*

#### Article 17

(1) Each member of the Committee and their representatives as well as external experts and observers shall sign a declaration of impartiality and code of conduct.

(2) The code of conduct includes the following principles:

- the members of the Committee may not engage in providing advice to legal or natural persons, nor be dependent on persons that could affect his/her impartially in exercising his/her functions as a member of the Committee, and must not use their membership to benefit or privilege for himself/herself or for another person;
- the members of the Committee must not use their membership to acquire, by the influencing decisions of the legislative, executive benefits for himself/herself or for others.

(3) If a member of the Committee violates the impartiality principles the Chairperson through the Secretariat shall issue a written warning to this member. In case that the

violation continues, the Secretariat shall send a written request to the Head of the respective institution to nominate another person as Committee member within 10 working days.

### Article 18

(1) Local organizational costs will be covered from the available budget for these purposes under the IPARD Technical Assistance measure.

(2) Travel and subsistence expenses of members or delegates participating in a meeting of the Committee will normally be met from the available budget for these purposes under the IPARD Technical Assistance measure.

(3) The reimbursement of the travel and subsistence expenses and the eligibility will be in accordance with the procedures developed by the Managing Authority for these purposes.

### Article 19

(1) These 'Rules of Procedure' shall enter into force on the day of adoption on the first official meeting of the Monitoring Committee.

**SIGNATURE:**  
CHAIRPERSON

No. \_\_\_ - \_\_\_ / \_\_\_

\_\_\_\_\_ 20\_\_

Skopje

ANNEX :

### **1. Members of the Committee (by name)**

Decision for nominating Chairperson, his/her Deputy and the members of the Committee is enclosed to this Annex.

### **2. Change of members**

In case of change of members or a change of the employment of members of the Committee within the organisation which appointed a member to the Committee, the Member concerned is obliged to inform the Minister of Agriculture, Forestry and Water Economy and the Committee at least 15 days before the meeting.

Following the information concerning the change of a member or his/her employment, steps to acquit such a member and to appoint a new member shall be taken.

The acquittal of a member and the appointment of a new member of the Committee shall

be done by the Minister of Agriculture, Forestry and Water Economy with a prior notice from the Chairperson that a change among members or their employment has occurred.

### **3. Conflict of interest**

(1) Members of the Committee shall represent the interests of the Programme before their personal interests or interests of the organisations that they come from. If a member has any personal interest within the subject of discussion, he/she shall inform the Chairperson and other members of the Committee about it. That particular member cannot participate in the vote on the topic concerned.

(2) In this case the Chairperson shall give the instruction that the minutes of that meeting shall record that a particular member has a personal interest in regards to the subject of discussion, and that consequently, that particular member cannot participate in the vote on the topic concerned.

(3) Each member or observer, including the Commission representative, may request that information which it provides to the Committee, either written or orally, be treated as confidential. In that case it will not be reported in the minutes. All members and observers must respect this and should not take advantage of confidential information they receive during the Committee meetings.

### **4. Decision on the establishment of the Committee**

The decision on the establishment of the Committee, taken by Minister of Agriculture, Forestry, and Water Economy, no.02-1028/1 from 27.01.2016, is enclosed to this Annex.