

**DECREE № 182 of the Council of Ministers dated 21 July, 2006 on the  
Establishment of Monitoring Committees of the National Strategic  
Reference Framework and the Operational Programmes Co-Financed by  
the Structural Funds and the Cohesion Fund of the European Union**

Promulgated in the State Gazette, issue 62 of 1.08.2006, amended and supplemented, issue 90 of 7.11.2006, in effect as from 7.11.2006, supplemented in issue 78 as from 28.09.2007, in effect as from 28.09.2007.

THE COUNCIL OF MINISTERS  
DECREED:

**Art.1.** The Council of Ministers establishes a Monitoring Committee of the National Strategic Reference Framework for the period 2007 - 2013, hereinafter referred to as the "committee".

**Art.2.** (1) The Committee shall have the following functions and tasks:

1. Track out the progress in the achievement of the objectives and priorities of the National Strategic Reference Framework on the grounds of the indicators defined therein;
2. Discuss and approve all amendments to the National Strategic Reference Framework proposed by the members of the committee, as well as those that may arise as a result from the review of the Community strategic guidelines in the middle of the programme period;
3. Consider and approve the annual reports and the final report on the implementation of the National Strategic Reference Framework for the period 2007 - 2013;
4. Approve on an annual basis information prepared by the managing authorities of the operational programmes and submitted by the head of the Central Coordination Unit, for the contribution of the operational programmes, co-financed by the Structural Funds and the Cohesion Fund of the European Union, in implementation of the National Reform Programme for the needs of the annual report on the implementation of the same programme;
5. Consider and approve the reports prepared by the Central Coordination Unit on the contribution of the operational programmes, co-financed by the Structural Funds and the Cohesion Fund, in order to achieve the objectives of the Cohesion policy of the European Union, of the priorities of the Community strategic guidelines on cohesion and of the integrated guidelines growth and employment for the period 2005 – 2008;
6. Consider and approve a communication plan for information and publicity of the National Strategic Reference Framework for the period 2007 - 2013, as well as the reports on its implementation;
7. Track out the achievement of the objectives of the National Strategic Reference Framework for the period 2007 – 2013, as it may request information from the managing authorities of the operational programmes in respect of the contribution of the operational programmes to the achievement of the objectives of the National Strategic Reference Framework for the period 2007 – 2013;
8. Obtain information from the heads of the managing authorities of the operational programmes for the conclusions and recommendations in the annual reports on the implementation of the programmes;
9. Obtain information from the heads of the managing authorities of the operational programmes for the results, conclusions and recommendations from the performed programme evaluations;

10. Obtain information for the conclusions and recommendations from the annual reports on control of the operational programmes, drafted by the Audit Authority, as well as for the findings with high extent of risk (if any), prepared by other external and internal control authorities, adopt a time schedule on implementation of corrective measures and approve the report on implementation of the corrective measures;

11. Consider the reports on the financial management and implementation of the aid from the Structural Funds and the Cohesion Fund of the European Union, prepared by the Certifying Authority;

12. Monitor the acts undertaken in compliance with the horizontal policies: sustainable development (incl. environment), equal opportunities, competition (incl. state aids) and public procurements;

13. Observe the implementation of the principle of subsidiarity, according to which the funds from the European Community cannot substitute the public or equivalent structural expenditure of the member-state;

14. Obtain information from the head of the Central Coordination Unit for the implementation and use of the Management information system for management and monitoring of the financial means from the Structural Funds and the Cohesion Fund of the European Union;

15. Take decisions on problematic issues related to the application of the aid from the Structural Funds and the Cohesion Fund of the European Union upon proposal of the members of the committee;

16. Perform other tasks, as well, in relation to the monitoring of the National Strategic Reference Framework for the period 2007 - 2013, assigned by the Council of Ministers.

(2) The committee shall approve its internal rules of procedure and code of conduct.

**Art.3.** (1) The committee shall consist of a chairperson, members and observers. The chairperson and the members of the committee shall be entitled to a vote in the decision making process whereas the observers shall be entitled to a consultative vote.

(2) Chairperson of the committee shall be the Minister of Finance.

(3) Members of the committee shall be:

1. The Deputy-Minister of Finance in charge of the European integration issues, the Deputy-Minister of Regional Development and Public Works, in whose scope of powers the managing authority of the "Regional Development" operational programme is, the Deputy-Minister of Economy and Energy, in whose scope of powers the managing authority of the "Development of the Competitiveness of the Bulgarian Economy" operational programme is, the Deputy-Minister of Labour and Social Policy, in whose scope of powers the managing authority of the "Human Resources Development" operational programme is, the Deputy-Minister of Transport, in whose scope of powers the managing authority of the "Transport" operational programme is, the Deputy-Minister of Environment and Waters, in whose scope of powers the managing authority of the "Environment" operational programme is, the Deputy-Minister of State Administration and Administrative Reform, in whose scope of powers the managing authority of the "Administrative Capacity" operational programme is, the Deputy-Minister of Foreign Affairs, the Deputy-Minister of Agriculture and Food Supply, the Deputy-Minister of Education and Science, the Deputy-Minister of Health and the Deputy-Minister of Culture in charge of the European integration issues, and the Deputy-President of the National Statistical Institute, in whose scope of powers the methodological management of the statistical activity is;

2. The executive director of the National Agency of Fisheries and Aquaculture at the Minister of Agriculture and Food Supply, the executive director of the Executive Agency for Economic Analysis and Forecasting at the Minister of Finance, the head of the Central Coordination Unit and the head of the Certifying Authority and the directors of the Economic

and Social Policy Directorate, Strategic Planning and Management Directorate and Coordination on the Issues of the European Union and the International Financial Institutions Directorate of the Council of Ministers;

3. A representative of the National Association of Municipalities in the Republic of Bulgaria;

4. One representatives of each of the Regional Councils for Development in the planning regions;

5. One representative of each of the nationally represented organizations of employers, workers and employees, recognized by the Council of Ministers under the procedure of the Labour Code.

(4) The Ministers shall determine the name of the representative under par.3, item 1 and a deputy thereof, who shall take part in the meetings of the committee with the a voting right in case of absence of the appointed member, and they shall notify in writing the chairperson of the committee.

(5) The executive director of the National Agency of Fisheries and Aquaculture at the Minister of Agriculture and Food Supply, the executive director of the Executive Agency for Economic Analysis and Forecasting at the Minister of Finance, the head of the Central Coordination Unit and the head of the Certifying Authority and the directors of the Economic and Social Policy Directorate, Strategic Planning and Management Directorate and Coordination on the Issues of the European Union and the International Financial Institutions Directorate of the Council of Ministers shall each determine one deputy thereof who shall take part in the meetings of the committee with a voting right in case of their absence, and they shall notify in writing the chairperson of the committee.

(6) The National Association of Municipalities in the Republic of Bulgaria shall determine its representative and his/her deputy who shall take part in the meetings of the committee with a voting right in case of absence of the representative, and it shall notify in writing the chairperson of the committee.

(7) The Regional Council for Development of each planning region shall appoint its representative and his/her deputy who shall take part in the meetings of the committee with a voting right in case of absence of the representative and it shall notify in writing the chairperson of the committee.

(8) Each of the nationally represented organizations of employers, workers and employees shall determine its representative and his/her deputy who shall take part in the meetings of the committee with a voting right in case of absence of the representative and it shall notify in writing the chairperson of the committee.

(9) The names of the members of the committee shall be determined by an order of the Minister of Finance based on the nominations of the respective authorities and organizations. The order shall include the members of the committee and their deputies.

(10) Right of participation in the meetings of the committee as observers entitled to a consultative vote shall be given to the head of the Audit Authority, representative of the European Commission, representative/representatives of the European Investment Bank or another financial institution (upon receipt of financial aid from the European Investment Bank or another financial institution), one horizontal issues' expert competent for each of the following fields: sustainable development, equal opportunities, competition and public procurements, and representatives of the non-governmental organizations. The head of the Central Coordination Unit shall determine the procedure for selection of the experts competent in the horizontal issues.

**Art.4.** The coordination, administrative and technical work related to the operation of the committee shall be carried out by a secretariat. The secretariat's functions shall be performed by the directorate at the Ministry of Finance determined by the Council of

Ministers as Central Coordination Unit for the work with the Structural Funds and the Cohesion Fund of the European Union.

**Art.5.** The committee may set up, when necessary, permanent and temporary subcommittees in specific and current issues.

**Art.6.** (Amended and supplemented – the State Gazette, issue 90 of 2006) It shall set monitoring committees in respect of the aid from the Structural Funds and the Cohesion Fund of the European Union under the respective operational programmes, as follows: Monitoring Committee of the "Regional Development" operational programme; Monitoring Committee of the "Development of Competitiveness of the Bulgarian Economy" operational programme; Monitoring Committee of the "Human Resources Development" operational programme; Monitoring Committee of the "Environment" operational programme; Monitoring Committee of the "Transport" operational programme; Monitoring Committee of the "Administrative Capacity" operational programme and Monitoring Committee of the "Technical Assistance" operational programme.

**Art.7.** (1) The monitoring committee of the aid from the Structural Funds and the Cohesion Fund of the European Union of the respective operational programme, hereinafter referred to as "the monitoring committee of operational programme", shall have the following functions and tasks:

1. Consider and approve the criteria suggested by the head of the managing authority of the respective operational programme for selection of operations which shall be co-financed by financial means from the Structural Funds and the Cohesion Fund of the European Union, within 3 months as from the approval of the respective operational programme, but not later than one month after the possibility of receiving of financial means from the Structural Funds and the Cohesion Fund of the European Union under the respective operational programme; within the programme period it may adopt an amendment of the approved criteria after submission for consideration of a motivated proposal by the head of the managing authority;

2. Track out the progress, reported by the managing authority of the respective operational programme, in the achievement of the objectives and priorities of the operational programme on the grounds of the indicators defined therein;

3. Consider and approve the annual reports and the final report on the implementation of the respective operational programme, prepared by the managing authority of the programme, and give consent for sending of the approved reports to the European Commission;

4. Assign to the managing authority of the respective operational programme to submit the approved reports to the Central Coordination Unit for the purpose of their being sent to the European Commission;

5. Consider the information under the annual reports on the control of the implementation of the respective operational programme, prepared by the Audit Authority, as well as the information from other internal and external control authorities for the findings with high extent of risk (if any); adopt a time schedule for corrective measures and approve the report on their implementation;

6. Obtain information for the results, conclusions and recommendations from the reports on the financial management and implementation of the respective operational programme, prepared by the Certifying Authority;

7. Prepare proposals to the managing authority of the respective operational programme for amendments and reviewing of the operational programme, intended to contribute to the achievement of the objectives of the Structural Funds and the Cohesion Fund of the European Union or to improvement of the management, including the financial management of the respective operational programme;

8. Consider and approve each new proposal for changes in the contents of the decision of the European Commission on the funds granted from the Structural Funds and the Cohesion Fund of the European Union under the respective operational programme;

9. Consider and approve the proposals for redistribution of the funds between the priorities of the respective operational programme when necessary;

10. Approve the communication plan for information and publicity of the respective operational programme and track out of its implementation;

11. Observe the acts performed by the managing authorities and intermediate bodies of the respective operational programme, in compliance with the following horizontal policies: sustainable development (incl. environment), equal opportunities, competition (incl. state aids) and public procurement;

12. Obtain information from the head of the managing authority of the respective operational programme for the results, conclusions and recommendation of the performed evaluations of the operational programme;

13. Obtain information from the authorizing officer of the managing authority of the respective operational programme for the implementation and use of the Management information system for management and monitoring of the financial means of the Structural Funds and the Cohesion Fund of the European Union;

14. Takes decisions on problematic issues related to the application of the aid from the Structural Funds and the Cohesion Fund of the European Union, upon proposal of the members of the monitoring committee of the respective operational programme;

15. It may also perform other tasks ensuing from the internal rules of procedure of the monitoring committee of the respective operational programme.

(2) The monitoring committee of the operational programme shall adopt its internal rules of procedure and code of conduct.

**Art.8.** (1) The monitoring committee of the operational programme shall consist of a chairperson, members and observers. The chairperson and the members of the committee shall be entitled to one vote in the process of decision making whereas the observers shall be entitled to a consultative vote.

(2) The chairperson of the monitoring committee of the operational programme shall be the Deputy-Minister, in whose scope of powers the managing authority of the respective operational programme is.

(3) Members of the monitoring committee of the operational programme shall be:

1. The head of the managing authority of the respective operational programme, the heads of the managing authorities of the other operational programmes, the head of the structure in the Ministry of Agriculture and Food Supply that is determined to be managing authority of the Programme for Development of Rural Regions for the period 2007 – 2013, the head of the structure in the National Agency of Fisheries and Aquaculture at the Minister of Agriculture and Food Supply that is in charge of the National Strategic Plan for Development of Fishery, the executive director of the Executive Agency for Economic Analysis and Forecasting at the Minister of Finance, the head of the Central Coordination Unit, the head of the Certifying Authority and the heads of the intermediate bodies of the respective operational programme (if any) and one expert of each of the Economic and Social Policy Directorate, Strategic Planning and Management Directorate and Coordination on the Issues of the European Union and the International Financial Institutions Directorate of the Council of Ministers;

2. Representatives of ministries, state agencies, state commissions, executive agencies and other administrative structure related to the priorities of the respective operational programme;

3. A representative of the National Association of Municipalities in the Republic of Bulgaria;

4. One representative of each of the Regional Councils for Development in the planning regions;

5. One representative of each of the nationally represented organizations of employers, workers and employees, recognized by the Council of Ministers under the procedure of the Labour Code.

(4) The head of the respective administrative structure shall determine the name of the representative under par.3, item 1 and a deputy thereof, who shall take part in the meetings of the monitoring committee of the respective operational programme with a voting right in case of absence of the appointed member, and he/she shall notify in writing the chairperson of the respective monitoring committee of operational programme.

(5) Ministries, state agencies, state commissions, executive agencies and other administrative structure, related to the priorities of the respective operational programme, shall each nominate one representative thereof and a deputy of such representative who shall take part in the meetings of the respective monitoring committee of operational programme with a voting right in case of absence of the appointed member and they shall notify in writing the chairperson of the respective monitoring committee of operational programme.

(6) The National Association of Municipalities in the Republic of Bulgaria shall determine its representative and his/her deputy who shall take part in the meetings of the respective monitoring committee of operational programme with a voting right in case of absence of the appointed member and it shall notify in writing the chairperson of the respective monitoring committee of operational programme.

(7) The Regional Council for Development of each planning region shall determine its representative and his/her deputy who shall take part in the meetings of the respective monitoring committee of operational programme with a voting right in case of absence of the representative and it shall notify in writing the chairperson of the respective monitoring committee of operational programme.

(8) Each of the nationally represented organizations of employers, workers and employees shall determine its representative and his/her deputy who shall take part in the meetings of the respective monitoring committee of operational programme with a voting right in case of absence of the appointed member and it shall notify in writing the chairperson of the respective monitoring committee of operational programme.

(9) The names of the members of the respective monitoring committee of operational programme shall be determined by an order of the Minister, to whom the managing authority of the respective operational programme is subordinated, based on the nominations of the respective authorities and organizations. The order shall include the members of the monitoring committee of the operational programme and their deputies.

(10) Right of participation in the sessions of the respective monitoring committee of operational programme as observers entitled to a consultative vote shall be given to the head of the Audit Authority, representative of the European Commission, representative/representatives of the European Investment Bank or another financial institution (in cases when the respective operational programme obtains financial aid from the European Investment Bank or another financial institution), one horizontal issues' expert competent for each of the following fields: sustainable development, equal opportunities, competition and public procurements, and representatives of the non-governmental organizations. The head of the managing authority of the respective operational programme shall determine the procedure for selection of the experts competent in the horizontal issues.

**Art.9.** The monitoring committee of the operational programme may set up upon necessity permanent and temporary subcommittees in specific and current issues. The

possibility of setting up such subcommittees, their composition, responsibilities and tasks shall be settled by the internal rules of procedure of each monitoring committee of operational programme.

**Art.10.** The coordination, administrative and technical work related to the operation of each monitoring committee of operational programme shall be carried out by a secretariat. The secretariat functions shall be performed by the directorate determined as managing authority of the respective operational programme.

## **ADDITIONAL PROVISION**

**§ 1.** Within the meaning of the Decree:

1. “National Strategic Reference Framework” is a strategic document prepared by the member-state, which guarantees that the Community structural assistance is in compliance with the Community strategic guidelines on cohesion. The National Strategic Reference Framework determines the relation between the Community priorities on the one hand and the national and regional priorities for implementation of sustainable development and the National Employment Plan, on the other hand.

2. „Operational Programme” is a document prepared by the member-state as a part of the National Strategic Reference Framework. Each operational programme shall contain a development strategy for a certain region or sector, objectives and priorities, which are to be achieved with the assistance of the Structural Funds and the Cohesion Fund of the European Union.

3. “Central Coordination Unit” is the structure that coordinates and monitors the achievement of the objectives of the National Strategic Reference Framework in the process of absorption of the funds from the Structural Funds and the Cohesion Fund of the European Union in the country.

4. “Managing Authority” is the structure selected to perform the management function of an operational programme and responsible of its effective, efficient and legal implementation.

5. “Certifying Authority” is the structure in charge of certification of the expenses under each operational programme and of preparation and sending to the European Commission of a certified declaration for the expenses and request for payment under each operational programme.

6. “Audit Authority” is the structure that is functionally independent from the managing authority and Certifying Authority and is responsible for the verification of the effective functioning of the management and control systems.

7. “Intermediate Body” is the structure that acts under the responsibility of the managing authority of the respective operational programme or performs certain obligations on its behalf in respect of the beneficiaries performing the operations.

## **FINAL PROVISIONS**

**§ 2.** The Programme for the development of the rural regions for the period 2007 – 2013 shall be prepared by the Ministry of Agriculture and Food Supply in accordance with Regulation of the Council (EC) № 1698 of 20 September, 2005 on Support for Rural Development by the European Agricultural Fund for Rural Development.

**§ 3.** The Ministers, to whom the structures selected as managing authorities of the operational programmes are subordinate, shall inform the Minister of Finance for the composition of the respective monitoring committee of operational programme within up to two months as from the entry into force of the Decree.

**§ 4.** Within up to one month as from the determination of the names of the members of the monitoring committee of the National Strategic Reference Framework and the respective

monitoring committees of operational programmes, the chairpersons of all committees shall convene the first session of the respective monitoring committee, where internal rules of procedure and code of conduct of the respective committee are to be adopted, as well as a mechanism for appointment and participation of representatives of the non-governmental organizations in the meetings of the committees.

§ 5. The Minister of Finance, the Minister of Economy and Energy, the Minister of Regional Development and Public Works, the Minister of Labour and Social Policy, the Minister of Transport, the Minister of Environment and Waters and the Minister of State Administration and Administrative Reform shall be in charge of the implementation of the Decree.

§ 6. The Decree is adopted on the grounds of Art. 105, par. 1 of the Constitution of the Republic of Bulgaria and Art. 27 of the International Treaties of the Republic of Bulgaria Act.

§ 7. (New – the State Gazette, issue 78 of 2007) The Minister of the respective Ministry shall determine a Deputy-Minister, who shall be a member of the monitoring committee of the National Strategic Reference Framework for the period 2007 – 2013 and shall be chairperson of the monitoring committee in respect of the aid of the Structural Funds and the Cohesion Fund of the European Union under the respective operational programme, when there is no determined Deputy-Minister, in whose scope of powers the managing authority of the operational programme is.

TRANSITIONAL AND FINAL PROVISIONS to Decree № 168 of the Council of Ministers of 23 July, 2007 on Transformation of the National Forrest Office into State Forest Agency. (the State Gazette, issue 62 of 2007, in effect as from 19.07.2007)

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§ 6. In the legal acts of the Council of Ministers:

1. The words “the Minister of Agriculture and Forests” shall be substituted by the words “the Minister of Agriculture and Food Supply”.

2. The words “the Ministry of Agriculture and Forests” and “Ministry of Agriculture and Forests” shall be substituted accordingly by the words “the Ministry of Agriculture and Food Supply” and “Ministry of Agriculture and Food Supply”.

3. The words “the National Forrest Office” and “National Forrest Office” shall be substituted accordingly by “the State Forest Agency” and “State Forest Agency”.

4. The words “the head of the National Forrest Office” and “the chief of the National Forrest Office” shall be substituted accordingly by the words “the chairperson of the State Forest Agency”.

§ 7. The Minister of Finance must perform the necessary amendments to the budgets of the Ministry of Agriculture and Food Supply and of the Council of Ministers.

§ 8. The Decree is adopted on the grounds of Resolution of the National Assembly of 18 July, 2007 on change in the structure of the Council of Ministers and Art.47, par.1 of the Administration Act.

§ 9. The Decree shall enter into force as from 19 July, 2007 г.