

**RULES OF PROCEDURE
FOR THE MONITORING COMMITTEE
OPERATIONAL PROGRAMME ON TRANSPORT**

Chapter 1

General

Article 1 The rules of procedure defined herewith settle the work of OPT MC.

Article 2 OPT Monitoring Committee observes the effectiveness and the quality of implementation of the Programme.

Chapter 2

Functions and structure of the Monitoring Committee

Article 3 The Monitoring Committee has the following functions and objectives:

1. Reviews and approves the project selection criteria as proposed by the head of OPT Managing Authority for the projects to be co-financed by the Cohesion Fund and the European Regional Development Fund, and approves them. Within the programming period, OPT Monitoring Committee can approve amendments to the approved criteria, after such amendments are proposed by the head of OPT MA along with the respective justifications.
2. Periodically observes the progress, reported by the head of OPT MA, in achieving the aims and priorities of the Programme, according to the specified indicators.
3. Reviews and approves the annual reports and the final report for the Programme implementation prepared by OPT MA, and gives consent to submit them to the European Commission.
4. Delegates to OPT MA the task to send the approved reports to the European Commission, and to submit them for information, to the Central Coordination Unit at MoF.
5. Reviews the information in the annual reports for monitoring the implementation of OPT, prepared by the Audit Authority and by other internal and external audit authorities for findings with a high level of risk; and accepts a schedule for corrective measures and approves the report for their implementation.
6. Approves the Indicative Annual Work Programme, elaborated by OPT MA on an annual basis

7. Receives information for the results, conclusions and recommendations from the reports about the financial management and implementation of OPT, prepared by the Certifying Authority.

8. Makes a proposal to OPT MA for changes in the Programme, which should contribute to the achieving of the Cohesion Fund and ERDF objectives, mentioned in Article 3 of Regulation 1083/2006 and Article 2 in Regulation 1080/2006, and to the improvement of OPT management, including its financial management.

9. When necessary, reviews and approves proposals for reallocation of funds among the priorities within the Programme.

10. Reviews and approves each proposal for amendments to the content of the decision of the European Commission for the allocated funds from the Cohesion Fund and ERDF.

11. Approves OPT Communication Information and Publicity Plan and oversees its implementation.

12. Follows the actions undertaken by OPT MA, in accordance with the horizontal policies: sustainable development (including environment), equal opportunities, competition (including state aids) and public procurements.

13. Receives information from the head of the OPT MA about the results, conclusions and recommendations concerning OPT evaluations.

14. Receives information by the head of OPT MA about the MIS implementation and use of the financing provided by EU Structural and Cohesion funds.

15. Takes decisions concerning issues, connected to the implementation of the EU Cohesion Fund and ERDF, according to proposals, made by the members of OPT MC.

Article 4 (1) OPT MC consists of a Chair, members and observers.

(2) MC Chair is the deputy minister of transport, under whose supervision OPT MA is placed.

(3) The Chair:

1. Represents OPT MC
2. Approves the agenda of the sessions
3. Sets the date and chairs the sessions of OPT MC
4. Reports on the results related to the implementation of OPT before NSRF MC.

(4) When the Chair is absent, the session of the Monitoring committee is presided by the head of OPT MA. In case that both of them are absent, the session is chaired by a representative with OPT MA, previously appointed by the Chair.

Article 5 (1) Members of the OPT MC are personally nominated with Orders by the Minister of Transport.

(2) OPT MC members are assisted by authorized deputies, personally nominated in the orders according to Para 1. In case that an appointed member is present at a OPT MC session, his/hers deputy takes part in the session as a non-voting member.

(3) In case that both the appointed member and his/hers deputy cannot attend the MC session, written comments concerning the agenda's issues could be submitted, which are taken into consideration during the session, including voting and decision taking.

(4) OPT MC members:

1. Take part into OPT MC sessions and in the decision taking
2. Make proposals related to issues for OPT implementation
3. Inform MC about the activities carried out by themselves and by the structures represented by them, in connection to the implementation of OPT
4. Implement the decisions taken by OPT MC

Article 6 Every change in the name list of OPT MC is made after a written notification addressed to the Secretariat of OPT MC. The Secretariat undertakes the necessary actions for registering the changes in the respective orders according to Article 5, Para 1.

Article 7 (1) In OPT MC as observers with advisory votes, could participate the Head of the Audit Authority, the Head of the Certifying Authority or appointed by him/her civil servants of the National Fund Directorate within MF, representatives from the European Commission, European Investment Bank and other financial authorities, experts, competent in horizontal issues and representatives of NGOs.

(2) At the invitation of the Chair, and when appropriate and connected with the relevant topics, the observers could participate in the discussions and give recommendations and motivated proposals concerning the discussed issues.

Article 8 (1) The coordination, administrative and technical tasks, connected with the activities of OPT MC, is carried out by a Secretariat – “OPT Monitoring and Evaluation” Unit within the Monitoring Department at OPT MA.

(2) The Secretariat of OPT MC:

1. Organizes the preparation and performance of OPT MC sessions
2. Ensures distribution of the agenda and all documents, necessary for the sessions of OPT MC
3. Takes the minutes from the sessions
4. Takes records about the statements and decisions, taken at the sessions

5. Prepares and presents to OPT MC members all papers, necessary for the implementation of their functions.
 6. Coordinates the implementation of OPT MC decisions and the necessary exchange of information among the concerned parties
 7. Assists OPT MC Chair in implementing his/hers duties
 8. Keeps files from MC sessions
- (3) All correspondence, connected with the tasks of OPT MC, shall be addressed to the Secretariat.

Chapter 3

Sessions and decision taking

Article 9 OPT MC shall meet at least twice a year. Extraordinary meetings might be convened when necessary.

Article 10 (1) The meetings of OPT MC are convened at the initiative of the Chair, or upon request of one third of its members.

(2) The agenda of the meetings is approved by the Chair, after a proposal by the Secretariat.

(3) The agenda and the documents for the meetings are sent to OPT MC members not later than 15 days before the date of the session, via e-mail and/or with conventional correspondence. The MC members give their comments, remarks and recommendations on the presented documents within 10 days after their receipt, but not later than 5 days before the meeting is held.

(4) Every member of OPT MC can make motivated proposals for complements to the agenda, not later than 10 days before the meeting. The proposed complements are voted by OPT MC during the respective session.

Article 11 OPT MC members and/or their authorized deputies should confirm their attendance at the meeting to the Secretariat, at least 5 days before the meeting is held.

Article 12 Extraordinary meeting may be convened by the Chair, or upon request of one third of OPT MC members. In these cases, the terms in Article 10, Para 3 and 4 can be half shortened, and the information about the date and venue of the meeting can be send even through the phone.

Article 13 (1) The meetings of OPT MC are relevant, if attended by more than a half of the members or their authorized deputies.

(2) The working language of the meetings is Bulgarian. When necessary, the Secretariat provides translation of the working documents, as well as interpretation during the meeting.

Article 14 (1) The Chair and OPT MC members have voting rights in the decision making, and the observers have consultative votes. The authorized deputies, as per Article 5, Para 2 can vote in the decision making, only when the appointed member is absent, and after they have informed the Chair about their participation.

(2) The decisions of OPT MC are reached by consensus. In case, when it is not possible to reach a consensus, the decisions are taken by a simple majority of the voting members attending the meeting, as per Para 1. The vote is open.

(3) Members of OPT MC, who do not agree with the decision taken, can express their dissenting view, which is noted in the minutes of meeting.

Article 15 (1) Within 30 days after the meeting, draft minutes are sent to all members of OPT MC, where they can make notes within 10 days after the submission. The final minutes are drafted within 60 days after the meeting, and after being signed by the Chair are sent to all MC members.

(2) The decisions of OPT MC are noted in the minutes, where the relevant documents are also attached.

(3) Information about every meeting of OPT MC is published on the Internet page of OPT MA.

(4) The official statement of OPT MC concerning the issues discussed, is stated publicly to the mass media, by the Chair or a MC member duly authorized by the Chair.

Article 16 (1) The decisions of OPT MC, on which respective actions should be undertaken, are sent to the members within 10 days after the meeting is held.

(2) In case that a decision requires preparation of relevant documents, those are sent to the Secretariat by the deadline specified in the decision. The Secretariat reports before OPT MC on the implementation or non-execution of the decisions. The relevant OPT MC member reports about the reasons for non-execution or delays of the decision's implementation.

Article 17 (1) OPT MC can also take a decision through a written procedure, after a proposal by the Chair, and in case of unforeseen circumstances.

(2) The draft decision is submitted to all OPT MC members for a statement, which should be expressed in written within 10 days. The proposed decision is considered approved if supported by more than a half of the voting members. After its acceptance, the decision is included in the minutes of the next OPT MC meeting.

(3) If a member of OPT MC justifies and requests a discussion on the draft decision, according to Para 2, the draft is included into the agenda for the next meeting.

(4) The Chair informs OPT MC members for the outcomes of the written procedure during the next meeting of MC.

Chapter 4

Sub-Committees

Article 18 (1) When necessary, with a decision by OPT MC, and after a proposal by MA, permanent and temporary sub-committees on sectoral issues can be established.

(2) The members of the sub-committees, their responsibilities and tasks are specified by the OPT MA and are submitted for discussion and approval to OPT MC.

(3) The sub-committees develop their rules of procedure, which are approved by OPT MC.

Chapter 5

Code of conduct

Article 19 (1) OPT MC members are responsible for their activities. In their work, they should observe the principles accepted with the Code of conduct.

(2) Every member, authorized deputy and observer of OPT MC signs a declaration till 31 March of each year, that he/she has no potential conflict of interests. The declarations are kept by the Secretariat of OPT MC.

(3) When there are circumstances or situations, which provoke a real conflict of interests, the person concerned (Chair, member, authorized deputy, observer) is obliged to submit a declaration to OPT MC Secretariat and withdraw from participation. Otherwise, when infringements are detected, respective penalty measures are taken according to the Bulgarian Law.

Final Provisions

§ 1. These rules of procedure can be amended with a decision taken by OPT MC, after a proposal from the Chair or a OPT MC member after the respective discussion or following amendments of the relevant EU and/or Bulgarian legislation, regulating the support from CF and ERDF. Every proposal for amendment to the present rules of procedure is coordinated in advance with OPT Managing Authority.

§ 2. These rules of procedure are approved according to Article 7, Para 2 in Decree 182 of the Council of Ministers of the Republic of Bulgaria, for establishing Monitoring Committees for the National Strategic Reference Framework and the Operational

Programmes, co-financed from EU Structural Funds and the Cohesion Fund (Published in SG num.62, from 1 August 2006), during the first meeting of the Monitoring Committee of Operational Programme on Transport, held on 28.11.2006.