

RULES OF PROCEDURE FOR THE MONITORING COMMITTEE OF OPERATIONAL PROGRAMME “TRANSPORT AND TRANSPORT INFRASTRUCTURE” 2014-2020

Chapter one GENERAL

Art. 1. The Rules of procedure defined herewith settle the work of the Monitoring Committee of Operational Programme “Transport and Transport Infrastructure” 2014-2020 (OPTTI MC)

Art. 2. OPTTI MC is a collective body based on the principle of partnership, which observes the effectiveness and the quality of implementation of Operational Programme “Transport and Transport Infrastructure” (OPTTI).

Chapter two FUNCTIONS AND STRUCTURE OF THE MONITORING COMMITTEE

Art. 3. MC of OPTTI has the following functions:

1. Reviews and approves the methodology and the project selection and evaluation criteria of operations as proposed by the Head of OPTTI Managing Authority (OPTTI MA) and the subsequent amendments and supplements thereto. The amendments to the approved selection and evaluation criteria of operations shall be reviewed and approved after such amendments are proposed by the Head of OPTTI MA along with the respective justifications.

2. Reviews and approves the indicative annual working programme prepared by OPTTI MA and the subsequent amendments thereto.

3. Reviews reasoned proposals and takes decisions to terminate direct award procedures , if applicable.

4. Reviews the implementation of the programme and monitors the progress reported by OPTTI MA in achieving the goals and priorities of OPTTI according to the indicators defined therein, including the indicators set in the performance framework.

5. Reviews and approves the annual reports and the final report for the Programme implementation prepared by OPTTI MA.

6. Approves and monitors the implementation of OPTTI evaluation plan and reviews the information provided by the MA on the results, conclusions and recommendations of evaluations carried out, and on the actions taken to implement the recommendations.

7. Receives information on the progress of the implementation of the applicable ex-ante conditionalities which have not been fulfilled to the date of approval of OPTTI by the European Commission.

8. Reviews information on the conclusions and recommendations in the annual control reports for the implementation of OPTTI.

9. Reviews information by the Certifying Authority on the financial management and implementation of OPTTI.

10. Reviews the National Communication Strategy for programming period 2014 - 2020 and its amendments and proposes it for approval by the Monitoring Committee of the Partnership Agreement.

11. Reviews information on the annual action plans for the publicity measures of OPTTI in implementation of the National Communication Strategy for programming period 2014 - 2020 drawn up by the Managing Authority; reviews on an annual basis the information about their implementation and analysis prepared by the MA, about the results of the undertaken information and communication activities.

12. Reviews the information on the approved major projects within the meaning of Article 100 of Regulation (EU) 1303/2013 and monitors the progress in their implementation.

13. Reviews and approves each proposal for amendment of OPTTI including for reallocation of funds under the priority axes of the programme; in the cases under Article 2, paragraph 1, item 3 of Decree 79/2014 of the Council of Ministers¹ the Chairperson of OPTTI Monitoring Committee presents to the members of the OPTTI MC the decision for information.

14. Monitors the implementation by the OPTTI MA of the principles of sustainable development, including the environmental protection, equality between men and women, equal opportunities and non-discrimination, including the accessibility for people with disabilities.

15. Reviews other issues related to OPTTI implementation of.

Art. 4. (1) OPTTI MC consists of a Chairperson, members and observers.

(2) Chairperson of the Monitoring Committee is the head of the OPTTI Managing Authority or another person authorized by the head of the administration having the functions of a managing authority or part of which the OPTTI managing authority is.

(3) The Chairperson:

1. Represents OPTTI MC.
2. Proposes draft agenda of the sessions.
3. Sets and chairs the sessions of OPTTI MC.

(4) When the Chairperson is absent, the session of the Monitoring Committee is chaired by a representative of OPTTI MA, previously appointed by the Chairperson.

Art. 5. (1) Members of the OPTTI MC are nominated according to the provisions of Decree 79/2014 of the Council of Ministers. The members and up to three authorized deputies are personally nominated with a written order of the Minister of Transport, Information Technologies and Communications where:

1. the initial order on the members of the Monitoring Committee of the Programme is approved by the Deputy Prime Minister of EU Funds Management;

¹ According to Article 2, paragraph 1, item 3 of Decree 79/2014 of the Council of Ministers the Monitoring Committee of the Partnership Agreement „reviews and approves the amendments of the information in the Partnership Agreement resulting from a decision to amend the programme taken by the monitoring committee of the relevant programme under Article 10 regarding:

a) the selected thematic objectives;
b) allocation of the support provided by the funds by thematic objectives;
c) the list of the programmes under the European Regional Development Fund, European Social Fund and the Cohesion Fund with the respective indicative allocations for each Fund and by years”

2. any subsequent amendments of the order on the members of the OPTTI Monitoring Committee are approved by the Deputy Prime Minister of EU Funds Management in cases when there are changes in the institutions under Article 12, para. 3, item 3² and the organizations under Article 12 para. 3, item 9, letter 'e'³ Decree 79/2014 of the Council of Ministers.

(2) The members name list of OPTTI MC is to be published on the website of the Managing Authority and on the Single Information Web Portal for the EU Funds.

(3) In case the appointed member is absent at a meeting of the Monitoring Committee, he or she will be replaced by one of the nominated authorized deputies.

(4) In case both the appointed member and his/her deputies are unable to attend a meeting of the MC, the appointed member may send written comments on the issues of the agenda which are taken into consideration at the meeting, and in the voting and decision making process.

(5) OPTTI MC members::

1. Participate in the meetings and the decision making process of MC of OPTTI.
2. Make proposals related to issues for OPTTI implementation.
3. Inform MC about the activities carried out by themselves and by the structures represented by them in connection to the implementation of OPTTI.
4. Implement the decisions of the OPTTI MC .

Art. 6. Every change in the name list of OPTTI MC shall be made after a written notification addressed to the Secretariat of OPTTI MC. The Secretariat undertakes the necessary actions to register the changes in the order under Article 5, para. 1.

Art. 7. The Chairperson may invite other people outside OPTTI MC members, who are concerned with the Programme implementation.

Art. 8. (1) The coordination, administrative, organizational and technical tasks, connected with the activities of OPTTI MC, are carried out by a Secretariat –“Coordination of Programmes and Projects” Directorate – OPTTI MA.

(2) The Secretariat of OPTTI MC:

1. Organizes the preparation and performance of OPTTI MC sessions.
2. Ensures distribution of the agenda and all documents, necessary for the sessions of OPTTI MC.
3. Takes the minutes from the sessions.
4. Takes records about the statements and decisions, taken at the sessions of OPTTI MC.
5. Coordinates the implementation of OPTTI MC decisions and the necessary exchange of information among the concerned parties.
6. Assists the Chairperson of OPTTI MC in implementing his/her duties.
7. Keeps the files from the sessions of the Committee.

(3) All correspondence, connected with the tasks of OPTTI MC, shall be addressed to “Coordination of Programmes and Projects” Directorate.

²The institutions responsible for the policies for funding measures under the relevant programme

³ Other groups, organizations concerned with the measures to be funded under the relevant programme

Chapter three

SESSIONS AND DECISION TAKING

Art. 9. The OPTTI MC shall meet at least twice a year. Extraordinary meetings may be convened when necessary.

Art. 10. (1) The meetings of OPTTI MC are convened at the initiative of the Chairperson.

(2) The meetings may also be convened at the request of at least one third of the members of the MC or at the initiative of the European Commission.

(3) The agenda of the meetings is proposed by the Chairperson with the cooperation of the Secretariat.

(4) The agenda and the documents for the meetings are sent to the members of OPTTI MC at least 15 days before the date of the session with official correspondence and/or via e-mail. The members of the MC give their written comments, remarks and recommendations on the presented documents within 10 days from their receipt but not later than 5 days before the meeting.

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

Art. 11. OPTTI MC members should confirm their participation in the meeting to the Secretariat at least 5 days before the meeting is held. In case an appointed member is unable to attend, a confirmation for participation of an authorized deputy shall be sent within the same time limit.

Art. 12. (1) The meetings of OPTTI MC relevant if attended by more than a half of the members or by their authorized deputies with voting right.

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

Art. 13. (1) The Chairperson and OPTTI MC members have voting rights in the decision making while the observers have consultative vote. The authorized deputies with voting right as per Article 5, para. 3 can vote in the decision making only when the appointed member is absent.

(2) OPTTI MC shall take decision by common agreement. In case when it is not possible to reach common agreement, the decisions shall be approved by a majority of two thirds of the attending members with voting right according to paragraph 1. The vote is open.

(3) The members of OPTTI MC who do not agree with a decision taken can express a dissenting opinion which is noted in the minutes of the meeting.

Art. 14. (1) The Secretariat of OPTTI MC makes written minutes from each meeting, in which are recorded the decisions taken at the meeting.

(2) Within 25 working days after the meeting, draft minutes are sent to the members of OPTTI MC in which they can make notes within 8 working days after the submission. The final minutes are prepared within 50 working days after the meeting and are submitted by the Secretariat to the Chairperson or the Director of “Coordination of Programmes and Projects” Directorate for approval.

(3) The approved minutes of the meeting are to be published on the website of the Managing Authority and on the Single Information Web Portal for the EU Funds within 5 working days after the approval.

(4) The official statement of OPTTI MC concerning the issues discussed is publicly stated to the mass media only by the Chairperson or a MC member authorized by the Chairperson.

Art. 15. (1) The decisions of OPTTI MC under which actions are to be taken shall be sent to the members within 10 days after the meeting.

(2) In case that a decision requires preparation of relevant documents, those are sent to the Secretariat by the deadline specified in the decision. In case of necessity the implementation of the decisions shall be discussed at the next meeting of OPTTI MC..

Art. 16. (1) OPTTI MC can also take decisions through a written procedure, after a proposal by the Chairperson with a majority of two thirds of the members with voting right.

(2) The draft decision is submitted to all OPTTI MC members for opinion to be expressed in written form within 10 days. A proposed decision is considered approved if supported by two thirds of the members with voting right. Such decision shall be recorded in the minutes of the next meeting of the OPTTI MC.

(3) Those members of the MC of OPTTI who have a dissenting opinion regarding the approved decision may state their opinion in written form. The opinion shall be recorded in the minutes of the procedure.

(4) The Chairperson informs the members of OPTTI MC on the outcomes of the written decision making procedure at the next meeting of the MC after the procedure.

(5) Decisions under Article 3, item 13 can not be taken using the procedure of paragraph 1.

Art. 17. (1) The members of OPTTI MC under Article 12, para. 3, item 7⁴ of Decree 79/2014 of the Council of Ministers coordinate their opinions on the issues discussed by the MC with the other national representative organization of and for people with disabilities and provide them with information on the activity of the Monitoring Committee of the Programme.

(2) The members of OPTTI MC under Article 12, para. 3, item 8⁵ of Decree 79/2014 of the Council of Ministers coordinate with the academic community their opinions on the issues discussed by the MC and provide to the academic community information on the activity of the Monitoring Committee of the Programme.

(3) The members of the OPTTI MC under Article 12, para. 3, item 9⁶ of Decree 79/2014 of the Council of Ministers coordinate with the groups of organizations that they represent their opinions on the issues discussed by the MC, provide them with information on the activity of the Committee and coordinate with them their positions and decisions taken.

⁴ *Representative of national representative organizations of and for people with disabilities recognized by the Council of Ministers and pursuant to the Integration of Persons with Disabilities Act.*

⁵ *Representative of the academic community*

⁶ *One representative from the following groups of non-profit legal entities operating in the public interest depending on the measures to be funded under the relevant programme:*

a) organizations working in the sphere of equality between men and women, non-discrimination and equal opportunities;

b) organizations working in the sphere of social inclusion and integration of marginalized groups;

c) environmental organizations;

d) organizations working in the sphere of education, science and culture;

e) other groups of organizations concerned with the measures to be financed under the programme.

Chapter four

SUBCOMMITTEES

Art. 18. (1) Permanent and temporary subcommittees may be set up on specific and current issues when necessary, with a decision by the OPTTI MC and upon proposal by the OPTTI MA .

(2) The members of the subcommittees, their responsibilities and tasks are specified by OPTTI MA and are submitted for discussion and approval to the OPTTI MC . The procedure may be performed also in accordance with Article 16.

(3) The subcommittees develop their rules of procedure which are approved by OPTTI MC.

Chapter five

CODE OF CONDUCT

Art. 19. (1) The members of the MC of OPTTI are responsible for their actions in that capacity. The conduct of the Chairperson, members, authorized deputies and observers of OPTTI MC is based on the following principles - lawfulness, selflessness, impartiality, objectivity, accountability and openness, responsibility, professional behavior, political neutrality, personal example.

(2) The Chairperson, members, authorized deputies and the observers of OPTTI MC protect the interests of society with their activities and are governed solely by the law. They perform the tasks assigned to them in a timely, conscientious, accurate and professional manner.

(3) Every member, authorized deputy and observer of OPTTI MC shall sign a declaration that he/she has no potential and actual conflict of interests. The declarations are kept by the Secretariat of the OPTTI MC.

(4) In case of circumstances or situations, which provoke a potential or actual conflict of interests, the person concerned (Chairperson, member, authorized deputy, observer) is obliged to submit a declaration to OPTTI MC Secretariat and to withdraw from participation. The provisions of the law of the Republic of Bulgaria shall apply to established infringements.

Final provisions

§ 1. These rules of procedure can be amended with a decision taken by OPTTI MC upon proposal by the Chairperson or in case of changes in the regulatory documents of the European Union and Republic of Bulgaria regulating the support from the European Structural and Investment Funds for programming period 2014-2020. Every member of OPTTI MC can submit a proposal for amendment of these rules of procedure through the Secretariat.

§ 2. These rules of procedure are approved according to Article 11, para. 2 of Decree 79 of the Council of Ministers on setting up of monitoring committees of the Partnership Agreement of Republic of Bulgaria and the programmes co-financed by the European Structural and Investment Funds for programming period 2014-2020 (Published in SG 34/15.04.2014, entered into force on 15.04.2014, amended, issue 58/15.07.2014, 76/12.09.2014 entered into force on 12.09.2014, amended, issue 101/09.12.2014, entered

into force on 09.12.2014, amended, issue 37/22.05.2015, amended, issue 57/28.07.2015, entered into force 28.07.2015).

§ 3. The functions of the Monitoring Committee of Operational Programme “Transport” for the period 2007 – 2013 are fulfilled by the Monitoring Committee of Operational Programme “Transport and transport infrastructure”, according to § 5, point 5 of the final provisions of Decree № 189 from 20th of July 2015 for the amendment of Decree № 79 of the Council of Ministers from 2014 (issue 57/28.07.2015, entered into force 28.07.2015).