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Rules of Procedure

of the

Monitoring Committee

for the implementation of the

ESPON 2030 Programme

Established under
European Structural Investment Funds 2021-2027

Adopted by the ESPON Monitoring Committee on
30 03 2022

Preamble

The Member States of the European Union and the Partner States, Iceland, Liechtenstein, Norway and Switzerland, all participating to the ESPON 2030 Programme,

on the basis of:

- Regulation (EU) 2021/1060, Regulation (EU) 2021/1058 and Regulation (EU) 2021/1059;
- The ESPON 2030 Programme under the European Structural and Investment Funds 2021-2027, the European Territorial Cooperation Goal, Interregional Cooperation, adopted by the European Commission Implementing Decision C(xxxx) xxx on xx xx 2022;
- The Agreement between Member States and the Grand Duchy of Luxembourg in its role as Managing Authority (MA) for the ESPON 2030 Programme;

have decided to establish a joint Monitoring Committee for the implementation of the ESPON 2030 Programme (hereinafter referred to as "ESPON 2030 Programme").

Rules of Procedure of the ESPON Monitoring Committee were adopted on 30 March 2022.

Rule 1

Name and Competencies

- (1) The Monitoring Committee will hereinafter entitled "Monitoring Committee" or "MC".
- (2) The competencies of the MC concern the ESPON 2030 Programme for the programming period 2021 - 2027 and until the Commission approves the final report.

Rule 2

Tasks

- (1) The MC will supervise the execution of the ESPON 2030 Programme. Its overall task is to ensure the effectiveness and quality of implementation.
- (2) Pursuant Article 40 (1) (2) (3) of Regulation (EU) 2021/1060 and Article 22 and Article 30 of Regulation (EU) 2021/1059, while taking into consideration the specific context of the ESPON 2030 Programme, the ESPON MC shall assume all functions, and in particular:
 - (a) The MC shall examine:
 - the progress in the programme implementation and in achieving the milestones and targets of the ESPON 2030 Programme and of the Single Operation;
 - any issues that affect the performance of the ESPON 2030 Programme and the measures taken to address these issues;
 - the progress made in carrying out evaluations, syntheses of evaluation and any follow-up given to findings;
 - the implementation of communication and visibility actions.

- (b) The MC shall approve:
- the methodology and criteria used for the selection of operations, including any changes thereto, after notifying the Commission, where requested and this in accordance with the provision of Article 22 of Regulation (EU) 2021/1059;
 - the evaluation plan and any amendment thereto;
 - any proposal by the MA for the amendment of the ESPON 2030 Programme
 - the final performance report.
- (3) In accordance with the provision of the ESPON 2030 Programme, the MC shall:
- assess, negotiate and approve the Operation Specification which shall guide the preparation of the Operation Proposal;
 - establish minimum criteria for approving, if necessary under conditions, the proposal for the Single Operation elaborated by the ESPON EGTC in its role as Single Beneficiary of the ESPON 2030 Programme;
 - assess, negotiate and approve, if necessary under conditions, the Single Operation proposal submitted including the respective proposed financial allocations;
 - discuss and approve, if necessary under conditions, the Thematic Action Plans and the Horizontal Measures , the respective proposed financial allocations and scoping notes for those activities the MC considers to be of particular importance;
 - discuss and approve the Implementation Reports for the Single Operation and related actions and activities of the Single Beneficiary;
 - ensure the steering of the activities of the ESPON EGTC as Single Beneficiary, according to the modalities stipulated in the Grant Agreement;
 - ensure the nomination of representatives of the ESPON MC or of delegated experts to participate in the Advisory Panels, with the role of accompanying and giving policy advice to the implementation of Thematic Action Plans and any activities for which an Advisory Panel is set;.

Rule 3

Membership and voting rights

- (1) The ESPON 2030 MC shall sustain a size that ensures an effective monitoring and efficient steering. The MC consists of members representing countries contributing financially to the ESPON 2030 Programme. The MC can decide to welcome observer countries and guests.
- (2) Members: In accordance with Article 29 (1,) Regulation (EU) No 2021/1059 and Article 8 of Regulation EU (2021/1060), the ESPON MC shall be composed of the following members:
- (a) Representative(s) of each EU Member State with one vote per delegation;
 - (b) Representative(s) of each Partner State with one vote per delegation;
 - (c) Representative(s) of the MA of the ESPON 2030 Programme who shall have no voting rights but can make reservation on any concerns of a legal nature;

- (d) Representative(s) of the European Commission, participating in the work of the MC in an advisory capacity without voting rights according to as per Article 29 (3) of Regulation (EU) 2021/ 1059.
 - (e) Representative(s) of the programme partners referred to in Article 8 of Regulation (EU) 2021/1060, notably a representative of the Committee of the Region and a representative of the Diversity Europe Group of the European Economic and Social Committee without voting rights;
- (3) Observers: The MC can decide that representatives from EU Candidate Countries and Accession Countries may participate as observers in meetings of the ESPON MC. Observer countries do not contribute financially to the programme and cover own costs in relation to being an observer. EU Candidate and Accession Countries can become members of the MC when signing the Agreement with the MA and contributing financially to the programme implementation. The MC will in such cases approve the contribution of the joining country and its allocation on ESPON activities.
 - (4) Observer representatives do not have the right to vote, but may state their opinion. In principle, observers have access to all documents circulated to MC meetings in respect of confidentiality. However, the MC may decide in justified cases to withhold any document, to ask observers to temporarily leave the meeting room, or to convey meetings without the participation of observers.
 - (5) Guests: The MC can upon request invite guests to take part in in MC meetings, either in the entire meeting or for specified agenda points. The following representatives can be considered as guests:
 - (a) Other representatives of EU bodies, such as the European Parliament and the European Investment Bank.
 - (b) Representatives of international institutions, such as the World Bank and the OECD.
 - (c) Representatives of countries covered by the ENPI.
 - (d) Other guests identified by the MC.
 - (6) Guests may be invited to speak and voice their opinion at the meeting, but no right to vote. Guests will receive the MC agenda and the meeting documents relevant for their participation. The MC may, if the deliberations of the MC so requires, ask guests temporarily to leave the meeting room.
 - (7) Technical support: Staff of the MA can take part in MC meetings. Staff of the Single Beneficiary, the ESPON EGTC, can attend MC meetings or parts of it unless indicated differently by the MC. External service providers/experts contracted or relevant for the implementation of the ESPON 2030 Programme can participate for specified agenda points.
 - (8) Members of the ESPON MC having a conflict of interest in respect of any subject matter up for consideration by the work or by decision of the ESPON MC shall declare such conflict of interest at the start of the meeting and not take part in the respective decision(s).
 - (9) The MA reserves the right not to accept a decision taken by the MC regarding programme management and financial matters when it has legally justified objections in relation to its duties and responsibilities as MA. Whenever this may happen, the MA will report back to the MC, which will reconsider the respective decision.

- (10) The chairperson or the members of the MC may invite guests or experts to the meetings of the MC. This should be notified to the chairperson before the meeting.
- (11) Delegations being full members of the MC can be represented in meetings by their nominated representative and substitutes.
- (12) The MA will ask the countries represented to nominate their representative in the MC, as well as their substitutes within one month from the notification of the submission to the European Commission of the ESPON 2030 Programme.
- (13) As soon as all delegations have appointed their representatives, the MC will start acting in its role of Monitoring Committee of the ESPON 2030 Programme, provisionally and applying the present rules of procedures. However, any decision taken by MC acting provisionally, will have to be formally confirmed by ESPON 2030 Monitoring Committee acting in its official role.

Rule 4

Chairperson

- (1) The MC shall have a chairperson and a vice-chairperson.
- (2) The chair person is a representative of the Member State holding the EU Presidency.
- (3) The vice-chair is a representative of the MA for the full period of the programme.
- (4) Chairpersons shall:
 - (a) convene the MC regularly, normally twice each year, but at least once per year, or at substantial request of one or more of its members.
 - (b) take the responsibility for the proper functioning of the MC.
- (5) The chairperson shall be supported by the MA in fulfilling his/her duties as set out in Rule 5.

Rule 5

Procedures for the running of the meetings

- (1) The MA on behalf of the chairperson of the MC convenes the members of the MC by sending an invitation at least four weeks before the date of the meeting with a written communication indicating the day, place and hour of the meeting (in exceptional cases, with agreement of all members, even within a shorter period). The MA makes a draft agenda available at least three weeks in advance of the meeting for commenting by the MC members.
- (2) Any request to put an item on the agenda on which a decision is considered as necessary must be communicated by the members of the MC to the MA at least four weeks before the date of the meeting. If there is evidence of urgency, the members can propose to add other items to the agenda at the meeting itself. In this particular situation, no decision can be taken at the meeting concerning the added points, and a formal MC decision will require either a Written Procedure or will have to await the next MC meeting.

- (3) The MA on behalf of the chairperson communicates the draft Final Agenda including all items on which a decision shall be taken to the members of the MC at least two weeks before the scheduled meeting. The draft final agenda should reflect requests for points or changes made to the draft agenda. In exceptional cases, this announcement can happen one week before the meeting.
- (4) The MA circulates the documents referring to items on the draft Final Agenda to the members of the MC at least two weeks before the date of the next meeting. In exceptional cases with the announcement one week before, documents may be sent out 5 days before the meeting, and, in clearly extraordinary cases, a document can be presented at the meeting. In these cases, documents are however considered to be discussed only for information.
- (5) In running the meeting, the chairperson shall co-operate closely with the vice-chairperson. If they so agree, the chairperson and the vice-chairperson may share some of the chairperson's duties during meetings.
- (6) At the beginning of the meeting the chair checks that the quorum for decision making of at least two third of the delegations with voting rights is present.
- (7) The meetings of the MC can be organised in presence, digital or hybrid format. The decision of the form of the meeting will normally be taken by the MC taking into account the proposal of the MA. However, in emergency case, such as for example changing sanitary conditions the Chair with the Vice chair may take the decision to switch to digital format informing the delegations at least two weeks before the meeting.
- (8) Presence meetings shall be convened in locations agreed by the MC and shall consider the connections to relevant events organised by the EU Presidency or the Single Beneficiary. Travel costs for the in presence meeting will be covered by the MA through the Technical Assistance budget according to the established rules.
- (9) Draft minutes will be taken by the MA and circulated as draft minutes to the members of the MC no later than two weeks after the meeting has taken place.
- (10) The participants of the meeting can formulate their observations or proposals of amendments to the draft minutes no later than two weeks after notification of the document.
- (11) If no observations are made within this period, the draft minutes are deemed to be approved and considered the final minutes of the meeting. If observations are made, the MA amends the minutes according to the comments of the members of the MC. In case of substantial changes, the MA will send the final text of the minutes to the members of the MC.
- (12) Decisions of the MC shall be made available by the MA in the e-monitoring system of the ESPON 2030 Programme (e-MS 2030).

Rule 6

Decision-Making

- (1) Decision-making in the MC will be normally by consensus among the present members of the MC. Members have the possibility to abstain and abstentions will not compromise a consensus.
- (2) Decisions require the quorum of two third of all delegations with voting rights (present or not). This quorum is reached only if at least two third of the delegations disposing of voting rights are present at a meeting. (At the time of the approval of this rules of procedures the quorum of two third of delegations with voting rights is reached with 21 delegations).
- (3) In case of lack of consensus of the MC, a decision on the same item can be taken at subsequent MC meetings(or, in case of justified urgency, via a written procedure) by a qualified majority of two third of all delegations with voting rights. If also in this case a decision has not been reached, the point may be re-proposed at a following MC meeting and the standard procedure for running meetings or written procedures established in rule 5 and 6 will be followed.
- (4) In any situations of potential conflict of interest, the MC member(s) affected will be excluded from participating in the discussion and decision of related points at meetings in the MC and will have to leave the room or virtual room in case of online meetings. This rule does not affect quorum.
- (5) Ensuring a continuous and smooth programme monitoring and management, as well as on well-founded request of one of the members or the chairperson, where a decision needs to be taken before the next MC meeting, the MA can launch a written decision-making process. In this case the MA shall send the draft decision to all members entitled to vote within a fixed deadline. The time for response shall normally be 14 calendar days, with a minimum of 8 days in the case of justified urgency
- (6) If an objection is raised to the procedure or to the draft decision(s) included in a written procedure, the matter shall be placed on the agenda of the next meeting of the MC – or if a clarification can be given in written in a second written procedure. An objection can be withdrawn at any time.
- (7) If no objection to the procedure or to the draft decision(s) of the written procedure has been received by the specified deadline the decision is deemed to be taken by the MC.
- (8) In any case, the MA shall inform all members on the results of a written procedure and whether the decision is deemed to be taken or what objections have been raised.

Rule 7

Communication, Confidentiality and Language

- (1) If not explicitly decided differently by the MC, communication among the members of the MC and the MA shall be done by e-mail or via the ESPON e-MS 2030. Any document, which shall be sent to the members of the MC must be transmitted to the MA by e-mail or via the e-MS 2030. All documents will be however available on the e-MS 2030.

- (2) The nomination of MC members and ESPON Contact Points and their temporary replacements shall be transmitted via email and by a scanned letter, duly signed by the competent authority issuing the nomination of MC members. Documents can be digitally signed.
- (3) Documents supporting items on the agenda of MC meetings shall be treated in respect of confidentiality. They will be placed on the e-MS 2030 by the MA, and will be accessible for all members of the MC.
- (4) According to the ESPON 2030 Programme the working language of the MC is English. Thus, any documents have to be submitted in English.
- (5) In exceptional cases, the country holding the chair of the MC may decide to use consecutive interpretation, at its own expense.

Rule 8
(Sub-) Committees

- (1) If necessary to facilitate and prepare its decisions, the ESPON MC may establish separate (Sub-) Committees or formats of cooperation between the Member States and Partner States.
- (2) In the case the MC decides to establish (Sub-) Committees, the MC will specify its mission, working mode and duration.
- (3) Documents discussed within MC (Sub-) Committees will be timely available to all MC members on e-MS 2030.

Rule 9
Revision

- (1) The Rules of Procedures for the MC were adopted by consensus by the MC on 30 March 2022.
 - (2) After their adoption, these rules of procedure may be further amended by consensus in the MC of the countries being full members of the ESPON 2030 Programme.
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