



RULES OF PROCEDURE
of the Monitoring Committee
for the 2014-2020 Operational Programme Environment (hereinafter “2014-2020 OPE”)

PART I
GENERAL PROVISIONS

Article 1

Introductory Provisions

1. The Rules of Procedure of the Monitoring Committee for the 2014-2020 OPE (hereinafter the "Rules of Procedure") have been issued on the basis of the Statutes of the Monitoring Committee for the 2014-2020 OPE (hereinafter the "Statutes") and Article 47 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013, laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and on laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (hereinafter the "General Regulation").
2. The Rules of Procedure comply with the Commission Delegated Regulation (EU) No 240/2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds (hereinafter the "Code").
3. The Rules of Procedure govern the preparation and method of convening the meetings, the course of the meetings, voting by and adopting the resolutions of the Monitoring Committee for the 2014-2020 OPE (hereinafter the "MC") as well as other matters relating to the MC meetings.

PART II
MC ACTIVITIES

Article 2

Convening the Meetings

1. The MC convenes on an as-needed basis, at least twice a year.
2. The MC Chairperson determines the date of the MC meeting based on a consultation between the MC Secretariat and the National Coordination Authority (hereinafter the "NCA") as part of the coordination of the MC meetings through the monitoring system for the 2014-2020 programming period (hereinafter the "MS2014+").
3. The MC Chairperson convenes the MC meetings in advance on the agreed dates (according to Article 2(2)). The MC Chairperson may also convene the MC meetings at the initiative of the Managing Authority of the 2014-2020 OPE (hereinafter the "Managing Authority") or at the initiative of at least one third of MC members with voting rights. A request to convene an MC meeting is to be filed by the MC members through the Secretariat of the Monitoring Committee for the 2014-2020 OPE (hereinafter the "MC Secretariat").
4. The agenda and supporting documents for the MC meetings are gathered and distributed by the MC Secretariat via MS2014+. If the supporting documents are approved by MC, they are introduced by an explanatory statement, which includes the name of the document, a brief description of its content as well as draft resolution in the form "approves". If the supporting documents are submitted to MC for information, they are also introduced by an explanatory report, which includes the document name, a brief description of the content of the document and the draft resolution "takes note of".



5. Notifications of convening the MC meetings, including their dates and draft agenda, must be sent to MC members via MS2014+ at least 20 business days before the MC meeting is held. As regards the set-up of the first regular MC, the period of time may be shortened to no less than 10 business days provided that an advice of convening of the first regular MC meeting is sent to the MC members by the Managing Authority within 20 business days. Updates on the venues and times of the MC meetings, including their agenda and supporting documents, must be sent to MC members via MS2014+ at least 15 business days before the MC meeting is held. As regards the set-up of the first regular MC, the period of time may be shortened to no less than 10 business days.
6. No later than 3 business days after the sending date of the notification of convening an MC meeting, MC members may send to the MC Secretariat, via MS2014+, their comments on the draft agenda, including proposals for new items to be discussed.
7. MC members send their comments on the supporting documents via MS2014+ within 10 business days after the sending date of the supporting documents by the MC Secretariat via MS2014+. As regards the meeting of the first regular MC, the period of time may be shortened to no less than 5 business days in the event that the period of the first regular MC has been shortened in accordance with Article 2(5). The MC Secretariat is obliged to ensure that all received comments are settled and send the settlement to the MC members prior to the meeting of MC.
8. MC members are obliged to confirm to the MC Secretariat, by electronic mail, their participation in an MC meeting or to communicate the participation of their representative (nominated or authorised by them in writing to represent them) within the deadline set by the MC Secretariat, which must be at least 2 business days prior to the MC meeting¹.

Article 3

Participation in Meetings

1. All MC members are obliged to take part in MC meetings in person. MC members may be represented at the meetings by their nominated representatives or by representatives with a written authorisation to represent the MC member. In that event, the nominated representative or the representative authorised in writing has the same rights as the MC member, unless the authorisation includes a limitation of the rights
2. All MC members, nominated representatives as well as representatives authorised in writing have voting rights. MC meetings may also be attended, at the invitation of the MC Chairperson, by guests without voting rights. The invitation of guests may also be proposed to the MC Chairperson by MC members. The names of the attendees as well as the reason for inviting the guests must be notified to the MC Secretariat at least 5 business days prior to the MC meeting. The MC Chairperson is entitled to restrict the participation of invited guests. In that event, however, the MC Chairperson is obliged to justify his or her decision and to inform appropriately the MC member who invited the guest to the MC meeting.
3. MC meetings may also be attended by representatives of the European Commission in a role of an advisor and Audit Authority as observers without voting rights.
4. Prior to the commencement of an MC meeting, the invited guests are obliged to read the Statutes, Rules of Procedure and Code of Conduct of the MC.

Article 4

MC Member's Conflict of Interests

1. A conflict of interest is the conflict between the interests of MC, which is to be obligatorily defended by the member of the MC in his/her position or his/her representative (nominated or authorised in writing to represent) and the personal interest of the MC member, where his/her personal interest could unacceptably affect the performance of his/her duties and responsibilities, including MC voting. As a personal interest is regarded any interest bringing or potentially bringing to the person concerned or to another closely related person, or to a natural or a legal person represented by the MC member or his/her representative (nominated or authorized in writing to represent) a benefit consisting of obtaining a property or other benefit, or cause harm to third parties for its benefit.

¹ In the case of an unforeseeable event, when the MC meeting is scheduled in less than 2 working days of this event, the MC member is obliged to inform the MC Secretariat immediately.



2. A member of the MC or his/her representative (nominated or authorized in writing), or an invited guest, for whom the evidence suggests that he/she could be in a conflict of interest according to Article 4, item 1, in discussing or deciding certain matters, has an obligation to convey this information to the Chairperson of the MC, in a written form prior to the beginning of the MC session or orally during the MC session.
3. MC members decide by a resolution pursuant to Article 6 of the Rules of Procedure, if there is a reason to exclude a member of the MC, MC member representative (nominated or authorized in writing to represent) or the invited guest from hearing and deciding the matter. Following the adoption of the resolution on the exclusion from discussion and decision, the MC member concerned, MC member representative (nominated or authorized in writing to represent) or the invited guest may not participate in the MC meeting on the subject matter after the MC OPE 2014-2020 votes that the member of MC, representative of a MC member (nominated or authorized in writing to represent), or the invited guest are in conflict of interest and should not participate in the discussion or decision on the subject matter.
4. In cases of electronic discussion per rollam, the MC member or his/her representative (nominated or authorized in writing), for whom the evidence suggests that he/she could be in conflict of interest according to Article 4, item 1 in discussing or deciding a certain matter, is obliged to immediately inform the MC Chairperson in writing. This MC member or his/her representative (nominated or authorized in writing) shall not participate in this electronic discussion per rollam. If this fact is not conveyed to the MC Chairperson by the MC member or by his/her representative (nominated or authorized in writing to represent) or he/she participates in the discussions, this represents a gross violation of the MC Code of Ethics and a reason for revoking the MC member or his/her representative (nominated or authorized in writing to represent), pursuant to Article 3, paragraph 6, item e) of the Statute of MC OPE 2014-2020.

Article 5

Meetings

1. MC meetings are not public. MC meetings are conducted by the MC Chairperson; if the MC Chairperson is absent or not elected, the meetings are conducted by the MC Vice Chairperson or by an MC member authorised by him or her (hereinafter the "Chair").
2. After the commencement of an MC meeting, the Chair shall:
 - a. announce the number of MC members present and state whether the MC has a quorum;
 - b. announce the number of excused absentees and, where applicable, unexcused MC members;
 - c. propose the draft agenda of the MC meeting and have the agenda approved.
3. If, upon the commencement of or during the MC meeting, the MC fails to have a quorum, the Chair shall decide whether the meeting will continue, or be terminated with a substitute meeting to be convened, or whether a written query procedure will be used.
4. MC members or their representatives (nominated or authorised in writing to represent) are obliged to take part in MC meetings, actively contribute to MC's work and perform the tasks arising from resolutions adopted at its meetings.
5. The MC Chairperson may decide to hold a technical meeting of MC members or their representatives (nominated or authorised in writing to represent) prior to the relevant MC meeting. The MC Chairperson shall inform MC members about this decision in sufficient time.
6. The MC Chairperson shall actively steer the MC meetings, invite the MC members to actively engage in the MC activities and to provide their opinions within the entrusted agendas, e.g. in the form of preparation of presentations.
7. In justified cases, the MC Chairperson is entitled to use the electronic deliberation procedure by written query according to Article 7.
8. The meetings take place in Czech and, where needed, interpreting into another official language of the EU is also provided.
9. The MC makes decisions by resolutions.



Article 6

Adoption of Resolutions

1. The MC has a quorum if the absolute majority of all MC members with voting rights or their representatives (nominated or authorised in writing to represent) are present.
2. MC resolutions are adopted by consensus. Unless a decision is reached in this way, the adoption of a resolution requires an absolute majority of votes of the MC members with voting rights or their representatives present (nominated or authorised in writing to represent).
3. If a vote is tied, the Chair shall have the casting vote.
4. Each voter who disagrees with a decision proposed is entitled to submit a written opinion, where the voter will specify his or her different opinion and the reasons for it. The written opinion is submitted through MS2014+, on the last day of the deadline for sending comments on the MC session minutes, at the latest. This written opinion shall be enclosed with the minutes.

Article 7

Electronic Deliberation Procedure by Written Query

1. In justified and urgent cases, particularly where a decision needs to be taken within a period of time shorter than 15 business days, or in cases when the approval of purely technical cases is involved, the MC Chairperson may use the per rollam electronic deliberation procedure, with the relevant organisational arrangements being secured by the MC Secretariat.
2. The MC Secretariat enters the deadline for submitting comments to the supporting documents for the per rollam electronic deliberation procedure in MS2014+ no later than on the publication date of the commenting procedure. The MC Secretariat shall subsequently send, through MS2014+, the documents to be approved in the per rollam electronic deliberations to the MC members for comments at least with a deadline of at least 10 business days. If urgently needed, the MC Chairperson may decide to shorten this period to at least 5 business days.
3. The MC Secretariat shall ensure that all received comments from MC members are settled and incorporated into the final version of the documents before the electronic deliberations are initiated.
4. In relation to documents to be approved in the per rollam electronic deliberations, the MC members are entitled to raise a major comment consisting in their opposition to these documents being subject to the per rollam electronic deliberation procedure. In the event that such a comment is raised by an absolute majority of all MC members with voting rights, the MC Chairperson shall decide within 3 business days after the expiry of the deadline for submitting comments on the documents to be approved that the per rollam procedure will not be used for the relevant documents, and the documents in question will be submitted at a regular MC meeting. The MC Secretariat shall notify the MC members of the decision of the MC Chairperson via MS2014+ within 3 business days after the decision was issued.
5. The MC Secretariat shall enter the date of the per rollam electronic deliberations in MS2014+ at least 5 business days before the electronic deliberations are commenced.
6. The electronic deliberations are commenced upon the distribution of the final supporting documents with incorporated comments from the MC members via MS2014+. This voting process is finished by the expiry of the period for delivering the replies. The period for providing a position on draft resolutions is 5 business days from the date of sending. MC members or their nominated representatives send their position on draft resolutions to the MC Secretariat through MS2014+ in the form of "in favour", "against", "abstained". Unless an MC member comments on a draft resolution within the specified deadline, the member is considered to have "abstained".
7. Resolutions must be adopted by an absolute majority of all MC members with voting rights.
8. The MC Secretariat shall always notify the MC members of the result of the electronic deliberations within 5 business days after the electronic deliberations are finished.

Article 8

Minutes of the Meeting

1. The MC Secretariat prepares minutes of MC meetings. The minutes must include the date and venue of the meeting, the Chair's name, the start and end times as well as interruption times of the meeting, the list of participating MC members (or their representatives nominated or authorised in writing) and invited guests (what is known as the attendance register), the approved agenda of the meeting, the progress of the discussion, the progress of voting, the content of adopted resolutions



- and any reasons for dissenting opinions. The minutes includes a summary of the main conclusions and description of the steps to be taken on the basis of these conclusions.
2. The MC Secretariat shall distribute the minutes of the MC meeting to all participants in the MC meeting, through MS2014+, within 10 business days from the date of the relevant MC meeting.
 3. Within 5 business days from the date when the minutes are sent, MC members may send their comments on the minutes to the MC Secretariat via MS2014+. The final version of the minutes with incorporated comments is distributed to all participating MC members through MS2014+ no later than 20 business days from the date of the relevant MC meeting.
 4. The final version of the minutes shall be signed by the MC Chairperson, MC Vice Chairperson or an MC member authorised by him or her.
 5. The MC Secretariat shall publish the minutes of MC meetings on the 2014-2020 OPE's official website within 30 business days from the date of the MC meeting.
 6. Simultaneously with the minutes, the MC secretariat published on the website of OPE 2014 - 2020 additional documents or information related to the activities of MC (in a non-editable format), especially the final version of the documents discussed by MC and the like, i.e. documents the managing authority is obliged to provide to the public in accordance with the laws and regulations on free access to information.

Article 9

Secretariat's Activities

1. The MC Secretariat secures the organisational, administrative and technical aspects of the MC activities, including in particular:
 - a. organisationally arranging MC meetings, consulting the dates of the MC meetings with the NCA according to Article 2(2);
 - b. preparing the draft agenda of MC meetings and, after the approval of the MC Chairperson, sending the draft agenda to MC members within the deadlines established in Article 2;
 - c. sending the notifications of convening the MC meetings;
 - d. coordinating and preparing the supporting documents for MC meetings, including the distribution of the supporting documents to MC members (nominated representatives or representatives authorised in writing);
 - e. ensuring that MC members' comments on supporting documents at MC meetings are settled and incorporated into the final versions of documents, and sending the settlement of comments and of the final versions of documents to MC members;
 - f. preparing the minutes of MC meetings and ensuring that MC members' comments on the minutes are settled, and distributing the final minutes of the MC meetings;
 - g. ensuring that MC resolutions are published, including their annexes and the minutes of MC meetings, as well as ensuring that all documents relating to the activities of the MC or advisory bodies are registered;
 - h. ensuring that all documents relating to the MC activities are registered, processed and settled;
 - i. ensuring that MC members are regularly kept informed of the progress of implementing the decisions from previous MC meetings;
 - j. arranging document translations and interpreting services.

Article 10

Platforms for call preparation/Working groups

1. In order to strengthen the partnership principle in the implementation of the program, the Managing Authority establishes a Platform(s) for the preparation of the calls (hereinafter Platforms). The activity of the Platform must be governed by the Statute and Rules of Procedure of the Platform. The members of the platform must sign a code of ethics of the Platform.
2. Usually represented in the Platform are: the managing authority of the program, partner managing authorities of other programs, professional guarantors, NCA, non-governmental organizations, relevant social and economic partners, and possibly other invited experts. The session of the Platform may also be attended by an EC representative based on his-her role as a MC consultant.
3. The platform performs mainly the following activities:



- a. discusses the content of the planned calls;
 - b. discusses the schedule of calls for the given year and their changes, which need approval of the Platform.
4. MC is at its meetings regularly informed about the activities of the Platform.
 5. If required, the MC Chairperson may, based on a proposal of a MC member, set up working groups to deal with specific issues (preparation of professional opinions and expert reports).
 6. The set-up of a working group by the MC Chairperson requires an absolute majority of votes of all MC members with voting rights or their representatives (nominated or authorised in writing to represent). If a vote is tied, the Chair shall have the casting vote.
 7. Working groups consist mainly of MC members, NCA and, where relevant, invited experts.
 8. All members of working groups are appointed and dismissed by the MC Chairperson. Based on a proposal of the MC members, one of the members shall be authorised by the MC Chairperson to steer the relevant working group.
 9. Working groups shall submit to the MC proposals and recommendations building on their work.

Article 11

Access to Information

1. Agenda of MC meetings, information on MC resolutions, including their annexes and the minutes of MC meetings, shall be freely accessible on the official website of the 2014-2020 OPE.
2. The necessary information for MC members is provided through the distribution of documents according to Article 2. Between individual MC meetings, MC members may view documents in the office of the MC Secretariat after they agree on the date and time of this with the MC Secretariat.

Article 12

Costs of MC's Activities

The costs of the activities of the 2014-2020 OPE Monitoring Committee are co-financed from the 2014-2020 OPE Technical Assistance. The MC members shall not be entitled to any remuneration or other compensation for their membership in the MC.

PART III

FINAL PROVISIONS

Article 13

Change to the Rules of Procedure

1. The Rules of Procedure may be changed by issuing new Rules of Procedure, which are subject to the approval of and signing by the MC Chairperson, after being discussed and approved by MC members. The new text of the Rules of Procedure shall be distributed to all MC members along with the relevant resolution and the final version of the minutes of the MC meeting.

Article 14

Final Provisions

1. Anything that is not explicitly stated in these Rules of Procedure is governed by the General Regulation and by downstream legislation.
2. In case of technical problems communication through MS2014+ shall replace communication through e-mail.
3. These Rules of Procedure were discussed and approved by the MC at its meeting on December 11, 2015 in Prague, on which day they take effect.
4. The Managing Authority is obliged to archive the original of these Rules of Procedure in accordance with EU legislation requirements and with the internal archiving system of the relevant Managing



Authority. The Rules of Procedure shall also be published on the official website of the Managing Authority.

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Chairperson of the Monitoring
Committee for the 2014-2020 OPE

In Prague, on 11/12/ 2015