



**STATUTE**  
**of the Monitoring Committee**  
**of the 2014-2020 Operational Programme Environment (hereinafter “2014-2020 OPE”)**

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**PART I**  
**GENERAL PROVISIONS**

**Article 1**

**Introductory Provisions**

The Monitoring Committee (hereinafter the "MC") for the 2014-2020 OPE is established by the 2014-2020 OPE Managing Authority on the basis of:

- a. Article 47 of the 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 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");
- b. Resolution of the Government of the Czech Republic No. 867 of 28 November 2012 on the preparation of the programmes co-financed from the Common Strategic Framework funds for the 2014-2020 programming period in the conditions of the Czech Republic, assigning the management of the 2014-2020 OPE to the Ministry of the Environment;
- c. Implementing Decision of the European Commission of 30 April 2015 C(2015) 3083 final, approving certain elements of the operational programme "Environment" for support from the European Regional Development Fund and the Cohesion Fund under the Investment for growth and jobs goal in the Czech Republic – CCI 2014CZ16M1OP002; as of that date, the provisions of Article 47(1) of the General Regulation gave rise to the obligation of the Managing Authority to set up MC within three months.

**PART II**  
**ACTIVITIES AND ORGANIZATION**

**Article 2**

**Sphere of competence of the Monitoring Committee**

1. The MC shall meet at least twice a year and shall review implementation of the programme and progress made towards achieving its objectives. In doing so, the MC shall have regard to the financial data, common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework referred to in Article 21(1) of the General Regulation, and, where relevant, the results of qualitative analyses.
2. The MC shall examine all issues that affect the performance of the programme, including the conclusions of the performance reviews.
3. The MC may make observations to the Managing Authority regarding implementation and evaluation of the programme including actions related to the reduction of the administrative burden on beneficiaries. The MC shall monitor actions taken as a result of its observations.
4. Based on Article 110 of the General Regulation, the MC shall also examine in particular:
  - a. any issues that affect the performance of the operational programme;
  - b. progress made in implementation of the evaluation plan and the follow-up given to findings of evaluations;
  - c. implementation of the communication strategy;
  - d. implementation of major projects;
  - e. implementation of joint action plans;



- f. actions to promote equality between men and women, equal opportunities, and non-discrimination, including accessibility for persons with disabilities;
  - g. actions to promote sustainable development;
  - h. where applicable *ex ante* conditionalities are not fulfilled at the date of the submission of the Partnership Agreement and operational programme, progress on actions to fulfil the applicable *ex ante* conditionalities;
  - i. financial instruments.
5. By way of derogation from Article 49(3), the MC shall examine and approve:
- a. the methodology and criteria used for selection of operations;
  - b. the annual and final implementation reports;
  - c. the evaluation plan for the operational programme and any amendment of the evaluation plan ;
  - d. any proposal by the managing authority for any amendment to the operational programme.
6. The MC may request for consultation documents reviewed within each Platform for the preparation of the calls and on working groups, pursuant to Article 6 of the MC OPE 2014-2020 Rules of Procedure.

### MC Competency

7. MC OPE 2014-2020 notes the Joint communication strategy of the European Structural and Investment Funds of the Czech Republic in the programming period 2014 - 2020, and potential amendments to the strategy and approves the Annual communication plan programme.

## Article 3

### Composition

1. The MC has 38 members, including the MC Chairperson, MC Vice-Chairperson and other MC members.
2. The MC Chairperson, MC Vice-Chairperson, MC members and their representatives shall be appointed and dismissed by the Minister of the Environment.
3. Various institutions shall be represented in the MC in accordance with Article 5 of the General Regulation and 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"). A list of the institutions represented in the MC is provided in Annex No. 2 to the Statutes of the Monitoring Committee for the 2014-2020 OPE.
4. Every MC member, his or her nominated representative shall sign the Code of Ethics of the MC for the 2014-2020 OPE (hereinafter the "Code of Ethics"). The Code of Ethics was approved by the Managing Authority of the 2014-2020 OPE and by the Minister of the Environment as Annex No. 1 to the Statutes on 30/12/2015. The MC members shall sign it at the constituting MC meeting<sup>1</sup>. The nominated representative or, as the case may be, the representative authorised in writing shall sign the Code of Ethics at the first MC meeting he/she attends.
5. The MC member who has not signed the Code of Ethics and the nominated representative of the MC member who has not signed the Code of Ethics and the representative of the MC member without a valid authorisation who has not signed the Code of Ethics shall not be entitled to vote at the MC meeting.
6. The MC members or their nominated representatives shall be dismissed by the Minister of the Environment. An MC member or its nominated representative may be dismissed for one of the following reasons:
  - a. the MC member or its nominated representative or representative authorised in writing fails to attend two consecutive MC meetings without sending an excuse before the MC meeting electronically, to the MC Secretariat;

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<sup>1</sup> Or eventually an update of the Code of Ethics on the first MC meeting following the update.



- b. the MC member or his or her nominated representative terminates activities in the institution which nominated him;
  - c. the MC member or his or her nominated representative submits own request (proposal) for dismissal;
  - d. the member of the institution which nominated the MC member or his or her representative, submits a proposal for the member's dismissal;
  - e. the MC member or his or her nominated representative grossly violated the Code of Ethics, and the MC Chairperson decides that there are grounds to dismiss the member or its nominated representative.
  - f. the MC member or his or her nominated representative, even after two written requests by the managing authority has not made within the time limit set by managing authority the necessary steps to ensure that he/she could access any sent documents relating to the MC through the Information System MS2014+ (i.e. complete user's training, to register, etc.).
7. The dismissal of the MC member or its nominated representative may take place after the issue has been reported to the institution represented by the relevant MC member or its nominated representative in the MC. The institution in question shall nominate a new MC member or its nominated representative in writing within 15 business days after the date of dismissal. By failing to do so, even after two written requests by the managing authority, the institution waives its participation in the subsequent MC meetings.
  8. MC meetings may also be attended by representatives of the European Commission in the role of a consultant and Audit Authority as observers without voting rights.
  9. The list of MC members and their nominated representatives, including the names of the institutions, shall be published on the official website of the 2014-2020 OPE.

## Article 4

### Rights and duties

1. The MC Chairperson:
  - a. is responsible for the activities carried out by the MC and informs the MC members, on a regular basis, about any relevant circumstances concerning the preparations and implementation of the 2014-2020 OPE;
  - b. convenes the MC meetings, proposes the agenda and steers the discussions;
  - c. may convene a technical meeting of the MC members or their representatives (nominated or authorized in writing to represent) prior to the actual meeting of the Committee;
  - d. if required, may initiate the electronic deliberation procedure through the electronic communication via the monitoring system for the 2014-2020 programming period (hereinafter the "MS2014+"), which may result in a decision;
  - e. ensures the implementation of the MC's decisions;
  - f. represents the MC in contacts with other entities;
  - g. is responsible for compliance with the rules of the MC Statutes, the Rules of Procedure and the Code of Ethics by all MC members or their representatives (nominated or authorised in writing to represent);
  - h. is entitled to set up working groups to deal with specific issues and appoint or dismiss, as appropriate, their heads responsible for addressing certain problems;
  - i. actively steers the MC meetings, invites 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;
  - j. decides on the invitation of additional experts regarding certain agenda items on the basis of proposals by the MC members.
2. The MC Vice-Chairperson:
  - a. assumes the functions of the Chairperson in case of absence of the MC Chairperson;
  - b. exercises all rights and duties referred to in Article 4(1) in case of absence of the MC Chairperson.
3. An MC member, a nominated representative of an MC member or a representative authorised in writing by an MC member:
  - a. is obliged to attend the MC meetings in person; if the MC member may not attend the MC meeting for serious reasons, he/she shall be represented by his/her nominated



- representative who, in such case, has the same rights as the MC member, unless his/her rights are limited by the authorisation to represent;
- b. if the nominated representative of the MC member is not able to attend the MC meeting for serious reasons, the MC member is obliged to authorise another representative in writing; in the written authorisation, the MC member shall determine the scope of rights to be exercised by the representative at the MC meeting. The name of the authorised representative to attend the MC meeting shall be notified by the MC member to the MC Chairperson through the MC Secretariat at least 2 business days before the date of the MC meeting;
  - c. is obliged to participate actively in the work carried out by the MC and perform tasks resulting from the resolutions adopted at the MC meetings;
  - d. is obliged to follow the MC Statutes, the Rules of Procedure and the Code of Ethics;
  - e. is entitled to suggest items to be added to the MC meeting agenda, give their comments on the supporting documents submitted at the MC meetings, give their comments on the minutes of the MC meeting and submit, via the MS2014+, proposals to be discussed by the MC;
  - f. is entitled to propose to the MC Chairperson to invite additional experts with regard to certain items or the MC meeting as a whole. The names of such experts to be invited must be proposed to the MC Chairperson through the MC Secretariat at least 5 business days before the date of the MC meeting providing reasons why he/she intends to invite the experts to the MC meeting.
  - g. is entitled to propose to the Chairperson to convene a MS meeting.

## Article 5

### MC Secretariat

1. The role of the MC Secretariat shall be fulfilled by the Ministry of the Environment, the section for EU Funds.
2. The MC Secretariat secures the organisational, administrative and technical aspects of the MC activities.
3. The MC Secretariat carries out, in particular, the activities specified in Article 9 of the Rules of Procedure of the MC for the 2014-2020 OPE:
  - a. securing the MS meetings in terms of technical, organisational and administrative activities;
  - b. preparing the draft agenda for the MC meetings and its inclusion in MS2014+;
  - c. gathering written materials to be submitted at the MC meetings (including distribution of the materials to the MC members via the MS2014+);
  - d. ensuring that MC members' comments on supporting documents at MC meetings are settled and incorporated into the final versions of documents, and distributing the settlement of comments and of the final versions of documents to MC members via MS2014+;
  - e. drafting and storing minutes of the MC meetings;
  - f. securing the work of working groups, if any, in terms of technical, organisational and administrative activities;
  - g. collecting materials and information necessary for the MC activities;
  - h. ensuring that all documents relating to the MC activities are registered, processed and settled.

## Article 6

### Rules of Procedure of the MC

The MC's Rules of Procedure define the course of the MC meetings and are to be approved by the MC following an agreement with the Managing Authority.

## PART III

### FINAL PROVISIONS

## Article 7

### Amendments to the Statutes



1. These Statutes shall enter into effect on the date of their approval and signing by the Minister of the Environment.
2. Any amendment to the Statutes shall be made by issuing new statutes to be approved and signed by the Minister of the Environment.
3. The MC members will be notified of the new statutes by the MC Secretariat via the MS2014+ within 5 business days after their issue. The new statutes shall be provided to the MC members by the Secretariat in accordance with Article 5(3)(c).

## **Article 8**

### **Final Provisions**

1. Any matter not explicitly covered in these Statutes shall be governed by the Regulation (EU) No 1303/2013 of the European Parliament and of the Council and by other related legal regulations.
2. The following Annexes form an integral part of the Statutes:
  - a. Code of Ethics of the MC;
  - b. List of institutions entitled to nominate a representative for the MC for the 2014-2020 OPE.
3. The Managing Authority is obliged to archive the original of these Statutes in accordance with EU legislation requirements and with the internal archiving system of the relevant Managing Authority. The Statutes shall also be published on the official website of the Managing Authority.

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Richard Brabec  
Minister

In Prague, on 30/12/2015