



Montenegro

A DECADE
OF INDEPENDENCE
A MILLENNIUM
OF STATEHOOD
MONTENEGRO
2016



May Montenegro live forever

Government of Montenegro
Ministry of Agriculture and Rural Development
No. 022-20/15-12
Podgorica, 7th July 2016

On the basis of the Decision of establishment of the IPARD II Monitoring Committee of Montenegro from 6th of May 2016 (No. 022-20/15-11), IPARD II Monitoring Committee on its first session, held on 7th of July 2016 adopted the:

**RULES OF PROCEDURE
OF THE MONITORING COMMITTEE FOR THE IPARD II PROGRAMME OF MONTENEGRO
(IPARD II monitoring committee)**

General provisions

Article 1

1. Commission implementing decision C (2015) 5074 final on 20.7.2015 approved adoption of the Programme for Agriculture and Rural Development of Montenegro under the Instrument for Pre-accession Assistance (IPA II) for the years 2014-2020.
2. Ministry of Agriculture and Rural Development established the IPARD II monitoring committee on 6th of May 2016 on the basis of the Law on Ratification of the Framework Agreement between Montenegro represented by the Government of Montenegro and the European Commission on the rules for the implementation of the Union's financial assistance to Montenegro under the Instrument for Pre-Accession Assistance (IPA II) ("Official Gazette of Montenegro-International Treaties", No. 5/2015) and the Law on Ratification of the Sectoral Agreement between the Government of Montenegro and the European Commission, which sets out rules for the management and implementation of the Union's financial assistance to Montenegro under the Instrument for Pre-accession support for the policy area „Agriculture and rural development“ (IPARD) ("Official Gazette of Montenegro International Treaties", No. 2/2016) and Articles 15 and 41 of the Law on State Administration ("Official Gazette of Montenegro" no. 38/03 "Official Gazette of Montenegro" no. 22/08 and "Official Gazette of Montenegro" no. 42/11).
3. Rules of Procedure of the IPARD II monitoring committee for monitoring the implementation of the Programme for development of agriculture and rural areas under IPARD II 2014-2020 shall regulate the manner of work, rights and obligations of members, decision-making process and other issues relevant for the work of the Committee and may be changed by the IPARD II monitoring committee as need arises. Such changes shall be communicated in advance to the Commission.

4. The IPARD II monitoring committee thus established shall be responsible for reporting, monitoring and evaluating the implementation of the IPARD II programme in accordance with the provisions of Section VI of the Sectoral Agreement (SA).

Definitions

Article 2

In these rules of procedure:

- a) The Ministry refers to the Ministry of Agriculture and Rural Development of Montenegro,
- b) The Commission refers to the European Commission,
- c) The Committee refers to the IPARD II monitoring committee,
- d) The Chairperson refers to the Chairperson of the IPARD II monitoring committee,
- e) The Programme refers to the Programme for development of Agriculture and Rural Areas of Montenegro under IPARD 2014-2020,
- f) The Secretariat refers to the Managing Authority which has the function as the permanent Committee's secretariat,
- g) NAO refers to the National Authorizing Officer,
- h) NIPAC refers to National IPA Coordinator,
- i) Observer refers to experts relevant for the implementation of the Programme.

Appointment and structure of the Committee

Article 3

1. The Committee has been set up and its members/alternates have been appointed by the Decision of the Ministry of Agriculture and Rural Development of Montenegro, dated 6th May 2016 with reference No. 022-20/15-11.
2. The Committee is composed of the representatives of the relevant national authorities and bodies and other stakeholders in accordance with Article 53(6) of the FWA.
3. The following national and territorial (local) authorities and bodies, representatives of economic, social, environmental, civil society partners but also representatives of the academic institutes and rural development network participate in the work of the Committee:
 - Ministry of Agriculture and Rural Development
 - Ministry of Finance
 - Ministry of Foreign Affairs and European Integration
 - Ministry of Agriculture and Rural Development - Directorate for Agriculture and Fisheries
 - Authority for food safety, veterinary and phytosanitary affairs
 - Advisory service in plant production
 - Livestock selection service
 - Ministry of Sustainable Development and Tourism
 - Ministry of Economy
 - Environmental Protection Agency
 - Ministry for Human and Minority Rights
 - Statistical Office of Montenegro
 - Chamber of Commerce of Montenegro
 - Environmental movement "Ozon"
 - Rural Development Network of Montenegro
 - Union of Municipalities of Montenegro
 - Montenegro Business Alliance
 - Biotechnical Faculty/University of Montenegro
 - Faculty for Food Technology, Food Safety and Ecology/University of Donja Gorica
 - National Association of viticulturist and wine producers of Montenegro
 - Association of olive and olive oil producers Bar
 - NGO "Healthy seed"

- Union of livestock breeders of Northern part of Montenegro
 - National Association of Beekeepers of Montenegro
 - Monteorganica
 - NGO Centre for Agro development
 - NGO Association of agricultural producers of plants in protected areas
4. All members of the Committee (in case of their absence their alternates) including the Chairperson have each one vote.
 5. The Chairperson and her/his deputy shall be designated by decision of the authority setting up the Committee. They shall be members of the Committee and shall be a senior representative.
 6. The presence of the Chairperson or her/his deputy is obligatory for the proceeding of the Committee.
 7. The number of 'other stakeholders' members shall be at least equal to the number of the members from the national authorities and bodies.
 8. The following entities have observer status:
 - Investment Development Fund
 - EU delegation in Montenegro
 - Audit Authority
 - European Commission/DG AGRI

Article 4

1. Representatives of the Managing Authority, the IPARD Agency, the NAO and the NIPAC shall participate in the work of the Committee as members without voting right.
2. The Commission shall participate in the work of the Committee, in an advisory capacity, and without voting rights. The Commission representative may give an oral comment on points raised during the discussion of issues on the agenda. However, official positions on the part of the Commission are only those expressed in writing.
3. The working language of the Committee is English. Simultaneous interpretation to and from the national language and translation of documents shall be provided when necessary.

Article 5

1. The members and their alternates shall be replaced:
 - a) on their own request;
 - b) in case of termination of the work in the body/institution that has appointed them as a member of the Committee;
 - c) with a decision of the authority in charge of setting up the Committee and designating its members:
 - i. in the event of systematic violations of their obligations;
 - ii. in the event of passed sentence for deliberate crime of general character;
 - iii. in the event of not meeting their obligations for a period longer than one year;
 - d) in the event of death or setting under judicial disability.
2. In the case of paragraph 1 point a), b) and d) of this Article, the head of the body/institution which was appointed member shall, without delay, notify the Secretariat in writing of the newly appointed member and substitute member of the Committee.
3. In the case of paragraph 1, point c) Chairperson through the Secretariat shall issue a written warning to this member. In case that the violation continues, the Secretariat shall send a written request to the Head of the respective institution to nominate another person as Committee member within 20 working days.
4. The Committee shall supplement itself with observers from the various fields relevant to Programme implementation like the banking sector, donors, international organizations, etc.
5. Balanced participation of men and women shall be encouraged.

6. The Commission shall be consulted on the composition of the Committee in advance of its establishment.

Secretariat of the Committee

Article 6

1. The Committee shall be assisted in its work by the Managing Authority, which at the same time has the function of a permanent Committee's secretariat.
2. The Secretariat shall perform all duties necessary for the proper conduct of the work of the Committee and in particular shall:
 - a) collect and/or elaborate, translate and distribute electronically/or in paper version, to all members of the Committee the documents and materials (reports, analyses, proposals) needed for the work of the Committee;
 - b) organize and carry out the preparation of the Committee meetings and assist its activities;
 - c) draft the minutes of the sessions of the Committee;
 - d) be responsible for book-keeping and documentation of the Committee's work, including all the statements and decisions taken at the sessions;
 - e) execute the decisions of the Committee and ensure the necessary exchange of information between the concerned parties;
 - f) ensure sufficient publicity of the work of the Committee;
 - g) provide for all technical and logistical arrangements, including translation and interpretation, where necessary, to permit the effective participation in the Committee discussions and resolutions of its members.
3. All correspondence, concerning the activities of the Committee shall be addressed to the Secretariat of the Committee.

Article 7

The Chairperson in his own capacity or on the request of a member of the Committee, may, if necessary, invite the representatives of other state administration bodies or other domestic, as well as, foreign experts to take part in the proceedings.

Responsibilities and tasks of the Committee

Article 8

1. The Committee shall carry out the tasks and responsibilities laid down in Article 52 of the SA and Article 53(3) of the FWA including the following:
 - a) It shall satisfy itself as to the effectiveness and quality of implementation of the Programme in order to attain the specific objectives.
 - b) It shall report to the IPA monitoring committee. It shall provide the IPA monitoring committee in particular with information relating to:
 - i. the progress made in implementing the Programme, by measures or operations; this shall include the results achieved, financial implementation indicators, operational conclusions, any recommendations and other factors and shall be established with a view to improving the implementation of the Programme;
 - ii. any aspects of the functioning of the management and control system raised by the Audit Authority, the NAO or the NIPAC.
 - c) It shall examine the results of the Programme, in particular the achievement of the targets set for the different measures and the progress on utilization of the financial allocations to those measures in the Programme presented in the form of up-to-date monitoring tables. In this regard, the Managing Authority shall ensure that all relevant information on the progress of measures is made available to the Committee and the NIPAC.

- d) It shall periodically review progress made towards the objectives, achieving the planned output and results set out in the Programme and discuss any problematic issues and actions. For this purpose, it shall, in particular, be given the following:
 - i. information on any sectors where difficulties are experienced,
 - ii. information on the results of checks carried out.
- e) It shall consider and approve, where appropriate, any proposal to the Commission to amend the Programme.
- f) It may, following consultation with the Managing Authority and the IPARD Agency, propose to the Managing Authority for submission to the Commission, with copy to the NIPAC and the NAO, amendments or reviews of the Programme to ensure the achievements of the Programmes objectives and enhance the efficiency of the assistance provided.
- g) It shall consider and approve the annual and final implementation reports before they are sent to the NIPAC for submission to the Commission, with copies to the NAO and the Audit Authority.
- h) It shall examine the evaluations of the Programme and approve annual evaluation plans.
- i) It shall be informed on the main conclusions of the annual audit report and the result of the controls undertaken by the IPARD Agency as well as the follow-up of these controls.
- j) It shall consider and approve the plan of visibility and communication activities referred in Article 30 of the SA as well as any subsequent updates of the plan.
- k) It shall be consulted on the technical assistance activities. It shall consider and approve each year an indicative annual action plan for the implementation of technical assistance activities including indicative amounts.
- l) Each visit and seminar co-financed by the Union under measure technical assistance shall require the submission of a written report to the Committee.
- m) When required by the Programme or by the SA, to give an opinion on any matter, it shall act accordingly.
- n) In principle, all final documents of the Committee shall be made public.

Work of the Committee

Article 9

1. Meetings of the Committee shall be convened by the Chairperson and held at a location proposed by the Chairperson. The Committee shall meet at least twice a year.
2. The Chairperson can, at his own initiative or at the initiative of 1/3 of members or at the initiative of the Commission, convene ad hoc meetings.

Article 10

1. The Chairperson shall determine a date for each meeting and propose the agenda.
2. The Secretariat shall send the invitations together with the proposed agenda including any supporting documents electronically/or in paper version at least 15 working days prior to the meeting to the members of the Committee. All documentation addressed to the Commission shall be sent in English.
3. Decisions on points included in the agenda less than 15 days prior to the convened meeting can only be taken if there is consensus within the Committee.
4. If the documents have not been sent in time, the members can request the decision on the topic concerned to be postponed for a decision at the following meeting, or to be submitted in written procedure.
5. The agenda shall make a distinction between proposed issues about which the Committee is asked to give an opinion and other issues put to the Committee for information or a simple exchange of views.
6. If a member should wish to add something to the agenda, he/she shall submit, in written form, such a request with the accompanying documentation at least 5 working days prior to the convened meeting.

7. The agenda shall be adopted at the beginning of the meeting.
8. The majority of the members of the Committee can decide to postpone a decision on a topic of the agenda to the next meeting or to be submitted to the Committee in written procedure.

Article 11

1. Members should analyse the documents prior to the Committee meeting in view of developing their position. In this work, members may use technical experts and consult the documents within or outside their organization as appropriate.
2. All decisions and other documents adopted by the Committee shall be prepared by the Committee's Secretariat, while they are signed and submitted by the Chairperson.
3. All decisions, presentations and final minutes of the Committee shall be made available to the public, e.g. on the single IPARD website or the single IPARD website portal¹.

Participation in the meetings of the Committee

Article 12

1. The Chairperson chairs the Committee meetings. In case of her/ his absence her/his deputy assumes this role. In the event that the Chairperson and his/her deputy/ cannot attend the meeting, the Chairperson may appoint any member of the IPARD II Committee as a Chairperson only for a given meeting.
2. Adjournment of the meeting, the working plan for a next meeting and other details related to the work at the meetings of the Committee shall be determined by the Chairperson.
3. The member of the Committee shall participate personally in its sessions (voting member). In case of her/his absence the designated alternate shall participate. However, the provisions of paragraph 3 of Article 3 shall apply.
4. All changes of the members and their alternates as decided in accordance with the first paragraph of Article 3 shall be reported to the Secretariat of the Committee at least 15 working days prior to the meeting.
5. The Committee shall examine the absence of members or their alternates and shall propose measures to the bodies, which have nominated them, taking into account the basic principles of the establishment of the Committee.

Decision making/Voting

Article 13

1. The decisions within the Committee can be taken if at least 2/3 (of all Committee members (including Chairperson or alternates) are present.
2. The Committee decisions shall be reached by consensus. In the event of the Committee being unable to arrive at consensus in respect of any matter, the issue will be referred to a working group set up to resolve the issue. The Committee will be informed of the outcome of the deliberations and try to reach consensus for the second time.
3. Where the Committee still cannot reach consensus, a voting procedure shall follow. The decision is approved if $\frac{3}{4}$ of the members (or their alternates) present at the meeting are in favour of the proposal concerned. Every member of the Committee, who is still expressing a dissenting voice on the issue, shall have the opportunity of his opinion being reported in the minutes of the meeting.

Article 14

1. In case of urgent matters or matters, which do not justify a meeting of the Committee, the Chairperson can submit a proposal to the members of the Committee for approval by written procedure. The Chairperson shall submit to the Committee members a draft decision duly accompanied by an explanatory memorandum. The Committee members may express an opinion on that draft decision within 15 working days of the date of transmission of those documents.

¹ In accordance with Article 29(2)(b) of the Sectoral Agreement

2. The proposal shall be adopted in line with the provisions from Article 13. Once the written procedure is completed, the Chairperson shall inform the Committee members about the results, including comments from the Committee members.
3. Any refusal to give agreement must be substantiated. A proposal refused in the framework of a written procedure as well as its substantiation shall be discussed during the next meeting.

Subsidiary bodies

Article 15

1. The Chairperson may set up working groups to solve specific issues.
2. These working groups shall be made of the Committee members as well as other experts as appropriate and designated by the Committee.
3. On the basis of the results of their work, the working groups shall submit proposals and recommendations to the Committee.

Records of the sessions

Article 16

1. Minutes shall be written of each meeting of the Committee.
2. The minutes shall be taken and prepared by the Secretariat or by a person designated by the Chairperson.
3. The minutes shall contain the agenda of the meeting, the list of participants, a summary of the session with all interventions made, the result of the voting, the decisions that have been adopted and the recommendations made by the Committee.
4. The draft minutes of each meeting shall be circulated for comment to all members of the Committee within 15 working days after the meeting. Committee members shall submit their observations, remarks and recommendations to the Secretariat within 10 working days after the date of the documents reception.
5. The draft minutes including the comments of the Committee members shall be submitted to the Commission for comments at the latest 5 working days after end of the commenting deadline for Committee members.
6. One copy of the minutes shall permanently be kept at the archives of the Managing Authority for a period of 7 years. The final draft minutes shall be signed by the Chairperson and be sent to the members not later than 45 working days after the meeting.
7. The Minutes shall be discussed, decided upon and adopted at the beginning of the following meeting.

Follow up of the Committee decisions

Article 17

1. The Chairperson shall monitor the implementation of the decisions of the Committee and shall take the relevant measures, whenever necessary, to ensure their implementation between the meetings of the Committee.
2. The Chairperson may require reports on the fulfilment of the Committee's decision from respective institutions. The Chairperson shall present a short report on follow-up activities to the next meeting of the Committee.
3. The reports of the Committee shall be prepared in accordance with the work plan and timetable approved by the Committee.

Code of conduct

Article 18

1. Every member of the Committee and their representatives shall sign a declaration of impartiality and code of conduct.

2. The code of conduct includes the following principles:
 - i. the members of the Committee may not engage in providing advice to legal or natural persons, nor be dependent on persons that could affect his/her impartially in exercising his/her functions as a member of the Committee, and must not use their membership to benefit or privilege for himself/herself or for another person;
 - ii. the members of the Committee must not use their membership to acquire, by the influencing decisions of the legislative, executive benefits for himself/herself or for others.
3. If a member of the Committee violates the impartiality principles the Chairperson through the Secretariat shall issue a written warning to this member. In case that the violation continues, the Secretariat shall send a written request to the Head of the respective institution to nominate another person as Committee member within 20 working days.

Article 19

These rules of procedure shall enter into force on the day of adoption by the Committee.

Chairperson:

Nemanja Katnić

Annex: Statement of impartiality and code of conduct

I, the undersigned, hereby declare that I am familiar with Programme for development of Agriculture and Rural Areas of Montenegro under IPARD 2014-2020 (IPARD II programme) and that I will contribute towards its better implementation.

All decisions that I made will be objective and based on the rules of the Programme.

I will participate actively in the Committee and I will represent the interests of the institution whom I represent.

I will not seek to further own interests before the interests of institution whom I represent, nor before the interests of the Programme.

I will not disclose information designated as confidential.

By signing this statement, I confirm that I will all obligations executed in accordance with Rules of Procedures of the monitoring committee for the IPARD II programme of Montenegro (IPARD II monitoring committee).

Name:	
Surname:	
Date:	
Signature:	