

Eastern Partnership Territorial Cooperation Programme

Belarus – Ukraine

Joint Decision Making Committee

RULES OF PROCEDURE

Contents

1. Preamble/Legal Basis	2
2. Functions/tasks.....	2
3. Composition	2
4. Chair	3
5. Meetings.....	3
6. Decision-making.....	4
7. Code of conduct and working principles	4
8. Working languages.....	5
9. Communication.....	5
10. Revision	5
11. Validity.....	5

Approved by the Joint Decision Making Committee Belarus-Ukraine on 27 November 2014

1. Preamble/Legal Basis

Republic of Belarus and Ukraine (hereafter referred to as the Participating Countries) on the basis of:

- Treaty between Republic of Belarus and Ukraine on Friendship, Neighbourhood and Cooperation signed on 17.07.1995 and entered into force on 06.08.1997,
- Treaty between Republic of Belarus and Ukraine on State Border signed on 12.05.1997 and ratified on 18.06.2013,
- Commission Implementing Decision on the financing of the Eastern Partnership Territorial Cooperation Programmes C(2013) 8293 of 22.11.2013,

And in agreement with the European Commission,

Have established a Joint Decision Making Committee for the Territorial Cooperation Programme Belarus – Ukraine.

The Rules of Procedure are drawn up by the Joint Decision Making Committee (hereafter referred to as the Committee) within the institutional, legal and financial framework of Republic of Belarus and Ukraine and in compliance with the procedures applying to the implementation of European Union-funded activities of both Participating Countries. They are approved by the European Commission.

2. Functions/tasks

In compliance with the Action Fiche for the Eastern Partnership Territorial Cooperation Programmes, annexed to the Commission Implementing Decision C(2013)8293 of 22.11.2013, the Committee shall:

- Approve the joint operational programme describing objectives and priorities of the territorial cooperation programme Belarus – Ukraine and make amendments to the programme;
- Decide on the optimal allocation of the programme resources to the territorial cooperation priorities;
- Advise the Managing Authority on the project selection criteria and the guidelines for applicants; approve the application package for further endorsement by the European Commission;
- In coordination with the Managing Authority, select the projects to be financed by the territorial cooperation programme, which will have to be confirmed by the European Commission;
- Monitor progress towards the objectives of the programme by reviewing the reports submitted by the Managing Authority.

The Committee may issue recommendations to the Managing Authority regarding implementation of the programme and its evaluation. It shall monitor actions taken as a result of its recommendations.

3. Composition

The Committee is composed of representatives of institutions (hereafter referred to as Members) appointed by the Participating Countries and the European Union. Due reference shall be taken to the respective provisions of the abovementioned Action Fiche.

The representatives of the Participating Countries shall be appointed on a functional basis and not in a personal capacity.

The authorised representatives of the following institutions will compose the Committee on the permanent basis:

Republic of Belarus	Ukraine
1. Ministry of Foreign Affairs 2-3. National Coordinating Unit for the EU TACIS Programmes in the Republic of Belarus (2 positions) 4. Brest Regional Executive Committee 5. Gomel Regional Executive Committee 6. Gomel Regional Development Agency 7. Civil society representative	1. Ministry of Economic Development and Trade 2. Ministry of Foreign Affairs 3. Volyn Regional State Administration 4. Rivne Regional State Administration 5. Zhytomyr Regional State Administration 6. Kyiv Regional State Administration 7. Chernihiv Regional State Administration 8. Ukrainian National Platform of the Eastern Partnership Civil Society Forum

The following institutions will take part in the Committee meetings in advisory capacity without voting rights:

- | |
|---|
| <ul style="list-style-type: none"> • European Commission represented by the Delegation of the European Union to Belarus and the Delegation of the European Union to Ukraine • Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in its capacity of Managing Authority • Team of Eastern Partnership Territorial Cooperation Support Programme |
|---|

Subject to prior notification to the Committee Members, the Chair shall have the right to invite guests and/or experts to the Committee meetings as observers and with no voting rights.

4. Chair

The Committee shall be chaired by the Participating Countries on a semi-annual rotating basis.

Ministry of Foreign Affairs shall assume a role of the chair on behalf of Republic of Belarus.

Ministry of Economic Development and Trade shall assume a role of the chair on behalf of Ukraine.

The Chair is responsible for the proper functioning of the Committee.

The Managing Authority in its capacity as the Secretariat for the Committee shall draw the agenda in consultation with the Chair. The Managing Authority shall ensure that the invitation, the agenda and other meeting documents are sent to the Committee Members.

The Chair shall convene and lead the meeting, summarise and announce decisions.

5. Meetings

The Committee shall meet as often as necessary and at least twice a year.

Committee meetings shall be convened by the Chair at the request of the Participating Countries, the Managing Authority or the European Union.

The Committee meetings shall be hosted in the Participating Country chairing the Committee, unless otherwise decided by the Committee.

The Managing Authority is responsible for organising the meetings. It acts as the Secretariat of the Committee.

Invitations shall be sent out at least three weeks before the meeting. The agenda and the meeting documents shall be sent out at least one week before the meeting. Requests to include additional items in the agenda shall be submitted to the Secretariat in writing at the latest 3 working days before the meeting. The agenda shall be adopted at the beginning of each meeting.

The Secretariat shall be responsible for drafting the minutes of the meetings. The minutes shall be sent in electronic format to the participants no later than 15 working days after the meeting. Participants may formulate observations or propose amendments no later than 5 working days of receipt of the document. If no objections are raised within the set deadline, the minutes are deemed to be approved. If there are objections, the amended minutes shall be circulated in electronic format to the participants for final approval.

The costs to organise the Committee meetings shall be covered by the Eastern Partnership Territorial Cooperation Support Programme within its mandate and budget.

6. Decision-making

The Committee shall take decisions by consensus of the Participating Countries' delegations on a "one country, one vote" principle. In case the consensus is impossible to be reached on the JDMC members' or the Chairperson's proposals, Chairperson may convene a restricted meeting involving the Heads of Delegations that shall agree on a decision acceptable to both sides. Decisions shall be deemed valid when at least 2/3 of the members of each Participating Country are present at the meeting. The Chair shall verify the quorum at the beginning of each meeting.

If the compliance of a Committee's decision with the applicable European Union's legal framework is questioned, the decision shall be taken with reservation and shall be deferred to the European Commission. The European Commission shall settle the contentious case and the Managing Authority shall inform the Committee in writing.

7. Code of conduct and working principles

The Committee Members shall observe the following rules of conduct:

- To participate in all meetings as well as in written procedures;
- To act in the interest of the Territorial Cooperation Programme, in accordance with its scope and objectives;
- To declare to the Chair any situation of conflict of interest in which they might be with regard to the discussions on a specific subject matter at the beginning of the meeting. There is a conflict of interest when the impartial and objective exercise of the functions of a Committee Member is compromised by reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with any applicant or beneficiary. In this case, the Member shall be excluded from the discussions and decisions on that subject matter.
- To inform their organisation of the outcomes of, and decisions taken at each meeting or via written procedure.

All Committee Members and observers must sign a declaration of impartiality and confidentiality at the beginning of each meeting (Annex 1).

Committee meetings are confidential. Members shall not disclose any details of meeting discussions. This obligation shall remain after the end of their mandate.

Cases of non-observance of these provisions by a Member shall be reported to the Managing Authority. The Managing Authority shall seek for clarifications from the Member in question who is to provide reply within two weeks. The case shall be brought to agenda of the next Committee meeting where the

decision shall be taken. The decision on the case shall be recorded in the minutes and become compulsory for implementation.

These provisions shall equally apply to Members as well as observers and any other participants in the Committee meetings.

8. Working languages

English and Russian shall be the Committee's official working languages. Documents shall be drafted in these languages.

In case of inconsistencies between the two versions, the English version shall prevail.

9. Communication

All communication shall be electronic. For the purposes of these Rules of Procedure, electronic mail communication is deemed to be written communication. When documents must be signed and/or stamped, the physical documents shall be scanned and dispatched by electronic mail.

10. Revision

The Committee may revise the Joint Operational Programme and these Rules of Procedure by consensus.

11. Validity

These Rules of Procedure shall enter into force at the first Committee meeting. They shall remain valid until the Territorial Cooperation Programme is closed by the European Commission.

ANNEX 1: DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY

DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY

I, the undersigned¹, _____

in my capacity of a member/an observer of the Joint Decision Making Committee and as a representative of² _____

declare that I am aware of the provisions stipulated in the Article 7 of the Rules of Procedure of the Joint Decision Making Committee, whereupon any assessment and/or decision of the Committee shall be free from bias and not influenced by partial interest of any of the individual members of the Committee.

I shall act in the public interest of the territorial cooperation programme Belarus-Ukraine, in accordance with its scope and objectives, and observe the principles of fair competition, non-discrimination against and equality of treatment of any applicant or beneficiary of the programme.

I declare that I am not in a situation of conflict of interest when any impartial and objective exercise of the functions of the Committee member is compromised by reasons involving family, emotional life, political or national affinity, economic or financial interest or any other shared interest with any applicant or beneficiary.

I confirm that if I discover that such a conflict exists or might exist, I shall immediately inform the chairperson of the Committee of the situation. I accept that I shall be excluded from the assessment and/or decisions of the Committee on that subject matter.

I shall maintain the strictest confidentiality of all information and documents disclosed to me in the course of preparation for the Committee meetings and through the meetings as well as of the work of the Committee. I undertake neither to disclose such information to any person who is not authorized to have access to it, nor to discuss it with any person in any public place or where others could overhear it. I shall furthermore observe the confidentiality when announcing of information about the Committee as required for public interest and common wealth.

I accept that if I fail to observe those principles, every registered infringement will result in my elimination from the members of the Committee and measures against me in accordance to applicable legislation.

Place: _____

Date: _____

Signature: _____

¹Please insert your full name and surname

²Please indicate the full name of the organization you represent