

OPERATIONAL PROTOCOL AND RULES OF PROCEDURE OF THE STAKEHOLDER GROUP IN THE “PRESPA” CROSS-BORDER REGION

General provisions

Article 1

Definitions

In these rules of procedure:

„**ABDA**“ means Area Based Development Approach – innovative approach for economic development of rural cross-border areas

“**NIPAC**” means National Coordinator for International Pre-Accession Assistance

„**MEMORANDUM OF UNDERSTANDING**“ means official document signed between the SWG and the Mayors of the participating Municipalities from each ABDA target region.

“**THE PROJECT IMPLEMENTATION UNIT**” means unit within the SWG HQ consisted of a project team, who is responsible for project management and financial execution, overall coordination of activities in the targeted regions and overall responsible for financial management of SWG EC ABDA projects.

“**THE PROJECT MANAGEMENT UNIT**” means SWG out-posted operation which will have a role of coordination and support to the SHG activities, such as meeting planning and organisation, provision of documents for discussions and reporting from meeting, as well as support to the SHG work on preparation of project outlines in accordance with the strategic support framework and the ABD programme. PMUs will not have financial execution functions.

“**THE ABDA STEERING GROUP**” means group of relevant experts set up and consisted of representatives of the SWG (SWG Secretariat, former, current and future SWG Presidency-yearly rotating basis), DG Enlargement Unit D3, JRC IPTS Agri-life Unit, DG Agriculture and Rural Development (G4 and B2), an international contracted consultant/s and regional consultant/s with a role to advise the SWG Secretariat on preparation of the program activities.

“**SWG**” means the International Inter-Governmental Organization - the Regional Rural Development Standing Working Group

„**STAKEHOLDER GROUP - (SHG)**“ means group consisted of representatives from interested parties - local authorities (municipal and county mayors and/or political leaders of other local government bodies), senior management representatives from the business sector and citizens involved in civil society via NGOs or other local initiatives. SHG is established for the purpose of implementation of ABD area with balanced presentation of the three groups mentioned above from all participating countries.

“**SWG MEMBERS**” means the Governmental Authority/ Institution which has signed the application for membership of SWG and has adopted its Statute

“SWG DELEGATE” means the SWG Member representative who has a mandate from its’ institution to participate in decision making within the SWG, on behalf of the Member Institution

"SWG ASSEMBLY" means the principal decision making body of the SWG consisted by the SWG delegates from each SWG Member Institution

“SWG PRESIDENT” is an honorary position and means the Delegate from the Member Institution which holds the Annual SWG Presidency with a mandate to represent the SWG

"SECRETARY GENERAL" means Head of the SWG Head Office responsible for overall management, coordination and representation of the SWG and its’ bodies

“SWG HEAD OFFICE/SECRETARIAT – SWG HQ” means the SWG Secretariat, the operational, administrative, coordinative and organizational body of SWG

"SWG HEAD OFFICE/SECRETARIAT PERSONNEL" means a person holding a fixed-term appointment in the SWG Secretariat/ Head Office.

“SWG OUT POSTED PROJECTS/OPERATIONS” means outside of the host country, registered as a branch office of the SWG in the country where it is active.

“SWG OBSERVER” means national authorities, national or international organizations or institutions and others willing to support the SWG to meet its aims, objectives and tasks

Article 2

SHG Members

The following institutions, organizations are members of the Stakeholder Group (**SHG**) in Cross-Border region “Prespa”

All to be listed –

- Local authorities (municipal and county mayors and/or political leaders of other local government bodies),
- senior management representatives from the business sector .
- citizens involved in civil society via NGOs or other local initiatives.

Appointment and structure of the Stakeholder Group (SHG)

Article 3

1. The Stakeholder Group has been established and its members /alternate have been appointed based on the Memorandum of Understanding signed between the SWG and the Mayors of the participating Municipalities from “Prespa” cross-border region.
2. The nomination of the members of the SHG is done in written by the nominating authority via nomination letter.
3. The signatories of the Memorandum of Understanding i.e. Mayors of the participating Municipalities are consequently members of the Stakeholder Group based on the signed Memorandum of Understanding.
4. The SHG members and their alternates shall be replaced:

- a. on their own request;
 - b. with a decision of the authority in charge of designating its members
 - in the event of changes in the position
 - in the event of systematic violations of their tasks and obligations
 - in the event of passed sentence for deliberate crime of general character
 - in the event of not meeting their obligations for a period longer than one year
 - c. in the event of disability or setting under judicial disability
 - d. by the decision of member's institution
5. The Chairperson of the SHG shall be selected by the members of the Stakeholder Group.
6. The Stakeholder Group shall appoint **one/two vice** Chairman (depends on the number of participating countries) representing the other / other two participating countries.
7. The number of SHG members representing the non-governmental organizations and business sector shall be at least equal to the number of the members from the local and regional authorities.
8. All members of the Stakeholder Group (in case of their absence their alternates) excluding the Chairperson, have voting right.

Article 4

Representatives of the SWG Assembly from each involved country shall follow the work of the SHG.

The working language of the SHG is native language in the country (Albanian and Macedonian) When needed, a simultaneous or consecutive translation will be provided into English language. All documents which are result of the work of the SHG must be translated into English language.

Secretariat of the Stakeholder Group (SHG)

Article 5

1. The SHG shall be assisted in its work by the Project Management Unit, which at the same time has the function of a Secretariat of the SHG.
2. Responsible person of the Project Management Unit (Secretariat of the SHG) is the Regional Coordinator.
3. The Secretariat of the SHG i.e. Project Management Unit shall perform all duties necessary for the proper conduct of the work of the SHG and in particular shall:
 - a) collect and/or elaborate, translate and distribute electronically/or in paper version, to all members of the SHG the documents and materials (reports, analyses, project proposals, strategies, programming documents etc.) needed for the work of the SHG;
 - b) organize and carry out the preparation of the SHG meetings and assist its activities;
 - c) draft the minutes of the SHG meetings;

- d) be responsible for documentation of the SHG's work, including all statements and decisions taken at the meetings;
- e) execute the decisions of the SHG and ensure the necessary exchange of information between the concerned parties;
- f) ensure sufficient publicity of the work of the SHG;
- g) Provide for all technical and logistical arrangements, including translation and interpretation, where necessary, to permit the effective participation in the SHG discussions and resolutions of its members.

4. All correspondence, concerning the activities of the SHG shall be addressed to the Secretariat of the SHG i.e. Project Management Unit and the SWG Head Office/ Secretariat.

Article 6

5. The Regional Coordinator in his own capacity or on the request of a member of the SHG may, if necessary, invite the representatives of other state administration bodies or other domestic, as well as, foreign experts to take part in the SHG meetings.

The experts invited are obliged to respect the principle of confidentiality of information.

Responsibilities and tasks of the Stakeholder Group (SHG)

Article 7

1. The Stakeholder Group (SHG) shall carry out all the tasks necessary for the proper implementation of the ABDA in the region including the following:
 - a. It shall actively participate in **preparation of the Strategic Support Framework** and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation in the region.
 - b. It shall satisfy **itself as to the effectiveness and quality for implementation of the Strategic Framework and Programme for economic development of the "Prespa" cross-border region in order to attain the development vision and the set objectives.**
 - c. It shall report to the Majors from the involved countries, and representatives of the SWG Head Office/ Secretariat

It shall provide the SWG in particular with information relating to:

- i) **the progress made in implementing the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation , by priority areas and, where relevant, by measures or operations; this shall include the results achieved, financial implementation indicators, and other factors and shall be established with a view to improving the implementation of the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation ;**
- d. It shall **examine the results of the implementation of the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation, in particular the achievement of the targets set for the different measures and the progress on utilization of the**

financial allocations to those measures and allocations to sub-measures within measures where indicated in the Programme.

In this regard, the Project Implementing Unit and the SWG Head Office/ Secretariat shall ensure that all relevant information on the progress of measures and, as appropriate, sub-measures, is made available to the SHG.

- e. It shall periodically **review progress made towards achieving the objectives set out in the Strategic Framework and Programme for economic development of the “Prespa” cross-border region through territorial and cross-border cooperation. 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, and,**
 - iii) **the list and characteristics of approved projects and those not approved.**
- f. **It shall consider and endorse proposals by the PIU/PMU and the SWG Head Office/ Secretariat to amend the Programme.**
- g. **It may propose to the Project Implementing Unit amendments or reviews of the Strategic Framework and Programme for economic development of the “Prespa” cross-border region through territorial and cross-border cooperation to ensure the achievements of the Programme's objectives and enhance the efficiency of the assistance provided.**

Work of the of the Stakeholder Group (SHG)

Article 8

1. Meetings of the Stakeholder Group (SHG) shall be convened by the Chairperson and held at a location proposed by the Chairperson. The SHG shall meet at least once in three months period.
2. The Chairperson can, at his own initiative or at the initiative of 1/3 of members convenes additional meetings.
3. The SHG shall plan a schedule of sessions with agreed timing for following meeting.

Article 9

1. The Chairperson shall determine a date for each meeting and propose the agenda.
2. The Secretariat of the SHG i.e. Project Management Unit 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 SHG. All documentation addressed to the Project Implementing Unit and the SWG Head Office/ Secretariat 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 SHG.
4. If the documents have not been sent in time, the members of the SHG 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 SHG is asked to give an opinion, the issues put to the SHG for information or a simple exchange of views and the decisions which shall be taken by the SHG.

6. If a SHG member should wish to add some issue to the agenda, he/she shall submit in written form, such a request with the accompanying documentation at least five working days prior to the convened meeting.
7. The agenda shall be adopted at the beginning of the meeting.
8. The majority of the SHG members can decide to postpone a decision on a topic of the agenda to the next meeting or to be submitted to the SHG in written procedure.

Article 10

1. Meetings of the SHG shall be closed for the public. Only the Head of Project Implementing Unit and SHG Chairperson or a person appointed by her/him shall be authorized to provide statements after the meetings.
2. The members of the SHG shall treat the work of the body as confidential.
3. All decisions and other documents adopted by the SHG shall be prepared by the Secretariat of the SHG i.e. Project Management Unit, while they are signed and submitted by the Chairperson of the Group.
4. All Minutes (decisions) of the SHG in general shall be published in the intranet of the Secretariat of the SHG i.e. Project Management Unit and Project Implementing Unit and the SWG Head Office/ Secretariat.

Participation in the meetings of the Stakeholder Group (SHG)

Article 11

1. The Chairperson chairs the SHG meetings. In case of her/his absence this role is assumed by the vice chairman.
2. Postponement of the meeting, the working plan for a next meeting and other details related to the work at the meetings of the SHG shall be determined by the Chairperson in coordination with the Regional Coordinator.
3. The members of the SHG shall participate personally in its sessions. In case of her/his absence the designated alternate shall participate.
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 SHG i.e. Project Management Unit at least 15 working days prior to the meeting.
5. The SHG 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 SHG.

Decision making/Voting within the SHG

Article 12

1. The decisions within the SHG can be taken if at least 2/3 of all SHG members (including Chairperson and alternates) are present.
2. The decisions of the SHG, where practicable, shall be reached by consensus. In the event of SHG being unable to arrive at consensus in respect of any matter, the issue should follow a voting procedure. The decision is approved if ¾ of the members (alternates) present at the meeting are in favor of the issue concerned. Every member of the SHG, who is still expressing a dissenting voice on the issue, should have the opportunity of his opinion being reported in the minutes of the meeting.
3. In case of need, the issue might be referred to a working group set up for resolution of the issue. The SHG will be informed of the outcome of the deliberations and try to get to the consensus for the second time if necessary.

Article 13

1. In case of urgent matters or matters which do not justify a meeting of the SHG, the Chairperson can submit a proposal to the members of the SHG for approval by written procedure. The Chairperson shall submit to the members of the SHG a draft decision duly accompanied by an explanatory memorandum. The members of the SHG may express an opinion on that draft decision within 15 working days of the date of transmission of those documents. If the members of the SHG do not express their opinion on the draft decision within announced deadline, it will be considered that they agree with that draft decision.
2. The proposal shall be adopted unless one of the members of the SHG objects. Once the written procedure is completed, the Chairperson shall inform the members of the SHG about the results.
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.

Working bodies within SHG

Article 14

1. The Chairperson may set up thematic working groups to discuss / solve specific issues.
2. These thematic working groups shall be made of the SHG members, as well as other experts as appropriate and designated by the Project Implementing Unit.
3. On the basis of the results of their work, the thematic working groups shall submit proposals and recommendations to the SHG.
4. The Rules on confidentiality, as well as the provisions of Article 11 shall apply *mutatis mutandis* to the working groups, unless otherwise decided by the SHG.

Records of the meetings

Article 15

1. Minutes shall be written of each meeting of the SHG.
2. The minutes shall be taken and prepared by the Secretariat of the SHG i.e. Project Management Unit or when applicable 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 conclusions of the discussions, and results of voting, the decisions that have been adopted and the recommendations made by the SHG.
4. The draft minutes of each meeting shall be circulated for comment to all members of the SHG within 15 working days after the meeting. SHG members shall submit their observations, remarks and recommendations to the Secretariat of the SHG i.e. Project Management Unit within 10 working days after the date of the documents reception.
5. One copy of the minutes shall permanently be kept at the archives of the Secretariat of the SHG i.e. Project Management Unit and the other copy in the Project Implementing Unit i.e. SWG Head Office/ Secretariat. The final draft minutes shall be signed by the Chairperson and be sent to the members not later than 30 calendar days after the meeting.
6. The Minutes shall be discussed, decided upon and adopted at the beginning of the following meeting.

Follow up of the SHG decisions

Article 16

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

Article 17

Code of Conduct

1. SHG members/alternates should be familiar with the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation and contribute towards its efficient implementation.
2. All decisions made by SHG members/alternates must be objective and based on the rules of the Programme.
3. SHG members/alternates are obliged to participate actively in the work of the SHG and represent the interests of the institution/ organization whom they represent.
4. SHG members/alternates shall not seek to further their own interest. In representing the interest of their institutions that they represent, they shall always seek the interest of the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation.
5. SHG members/alternates should not disclose information designated as confidential.
6. SHG members/alternates are required to perform its obligations under the Rules of Procedures.
7. SHG members/alternates will sign a Decision of impartiality and the rule of conduct.

8. If a member of the SHG violates the impartiality principles or the code of conduct the Chairmen through the Secretariat of the SHG i.e. Project Management Unit shall issue a written warning to this member. In case that the violation continues, the Secretariat of the SHG i.e. Project Management Unit shall send a written request to the Head of the respective institution to nominate another person as Group member within 20 working days.

Article 18

These Rules of Procedure shall enter into force on the day of adoption by the SHG.

ANNEX

1) Change of members

In case of change of members or a change of the employment of members of the SHG within the organization which appointed a member to the SHG, the member concerned is obliged to inform the Secretariat of the SHG i.e. Project Management Unit Group and Chairmen accordingly.

Following the information concerning the change of a member or his/her employment, steps to acquit such a member and to appoint a new member shall be taken.

The discharge of a member and the appointment of a new member of the SHG shall be done by Chairmen that a change among members or their employment has occurred.

2) Resolution on setting up of SHG

Declaration of impartiality and code of conduct

I, the undersigned, hereby declare that I am familiar with the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation and that I will contribute towards its better implementation.

All decisions will take in this regard will be objective and based on the rules of SHG and in line with the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation .

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

I will not seek to further own interests before the interests of the institution whom I represent, nor before the interests of the Strategic Framework and Programme for economic development of the "Prespa" cross-border region through territorial and cross-border cooperation.

I will not disclose information designated as confidential.

By signing this declaration, I am required to perform its obligations under the Rules of Procedures.

Name:	
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Surname	
Date:	
Signature:	

Working version