

Interreg



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NEXT Romania – Ukraine

INTERREG VI-A NEXT ROMANIA-UKRAINE PROGRAMME

RULES OF PROCEDURE

of the

Monitoring Committee

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Preamble:

The Member State Romania and the partner country Ukraine on the basis of:

- Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument - Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009
- **(Interreg VI-A) NEXT Romania -Ukraine Programme** approved by the European Commission (EC) on 30.11.2022 (Decision No. C(2022) 8931 final);
- Regulation No. 2021/1060 of the European Parliament and of the Council (hereafter referred to as the new “CPR”), in particular articles 38, 39, 40 and thereof;
- Regulation No. 2021/1059 of the European Parliament and the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments, in particular articles 28, 29, 30 thereof;

and in cooperation with the Managing Authority (hereinafter referred to as MA) of the **(Interreg VI-A) NEXT Romania-Ukraine Programme**.

Have established a Monitoring Committee (hereinafter referred to as MC) for the implementation of the Programme to which the following procedure shall apply.

Art. 1 - General provisions

- (1) The Monitoring Committee (hereinafter referred to as the “Monitoring Committee” or “MC”) for the (Interreg VI-A) NEXT Romania -Ukraine Programme (hereinafter referred to as the **Programme**) is a partnership structure, without legal personality, being the main joint decision-making structure of the Programme.
- (2) The present Rules of Procedure establish the composition, the tasks, and the organization and functioning principles of the MC.
- (3) The duration of the term of office for the MC will cover the whole period of implementation of the (Interreg VI-A) NEXT Romania -Ukraine Programme. Dates and places of the meetings of the Monitoring Committee will be decided by the national delegations, within written consultation and following the Managing Authority’s proposal.
- (4)

Art. 2 - MC Tasks

- (1) The MC shall follow the programme implementation and progress towards its priorities using the objectively verifiable indicators and related target values

defined in the programme. The Monitoring Committee shall examine all issues affecting the programme performance.

(2) The MC may issue recommendations to the Managing Authority regarding the programme implementation and evaluation and it shall monitor actions undertaken as a result of its recommendations.

(3) The MC may establish working groups, project selection committees, task forces or steering committees as necessary for the sound implementation of the programme.

(4) In accordance with article 30 of the Regulation No. 2021/1059, the MC shall examine:

- a) the progress in programme implementation and in achieving the milestones and targets of the Programme.
- b) any issues that affect the performance of the programme and the measures taken to address those issues;
- c) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- d) the implementation of communication and visibility actions;
- e) the progress in implementing operations of strategic importance and large infrastructure projects;

(5) In accordance with art. 22, 30 and 57 of Regulation No. 2021/1059, the Monitoring Committee shall approve:

- a) Selection of the Programme operations, including large infrastructure projects
- b) the methodology and criteria used for the selection of operations, including any changes thereto, after notifying the Commission, where requested, pursuant to Article 22(2) of this Regulation, without prejudice to points (b), (c) and (d) of Article 33(3) of Regulation (EU) 2021/1060;
- c) the evaluation plan and any amendment thereto;
- d) any proposal by the managing authority for the amendment of the programme including for a transfer in accordance with Article 19(5);
- e) the final performance report.

(6) In fulfilling its role, the MC shall have the following tasks:

- a) It may propose, consider and approve any revision and examination of the Programme that is likely to contribute to the achievement of its objectives or to improve its management.

- b) Approves the planned use of technical assistance and any revision to it made by the MC
- c) The procedures and criteria adopted by the MC for selecting the operations, as foreseen at (5)b above, shall be transparent and non-discriminatory, ensure accessibility to persons with disabilities, gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Article 11 and Article 191(1) TFEU.
- d) The criteria and procedures shall ensure the prioritisation of operations to be selected with a view to maximising the contribution of Union funding to the achievement of the objectives of the Interreg programme and to implementing the cooperation dimension of operations under Interreg programmes, as set out in Article 23(1) and (4) of this Regulation.
- e) The MC or, where applicable, the Steering Committee shall approve methodologies and criteria for selecting operations, according with art. 22 of the Interreg Regulation 2021/1059. The selection of operations shall not give rise to a conflict of interest.
- f) Examines and approves the annual information and communication plans;

Art. 3 -MC Composition

- (1) The MC shall comprise representatives of each participating country, appointed on a functional basis and not on a personal basis. The appointments shall be communicated to the Managing Authority, as well in case of change of membership. The MC is constituted by a Chairperson, a secretary, members and observers. The MC meeting may be co-chaired by a representative of the participant country where the respective meeting takes place.
- (2) The MC shall include as voting members representatives from *county/oblast level, regional and central level* (out of which at least one member per country will represent each National Authority and one member per country will be designated by each of the Ministries of Foreign Affairs).
- (3) The list of institutions and organizations represented in MC as voting members is listed in Annex 1 of the Rules of Procedures and shall be published on the programme website, for transparency purposes.
- (4) Each participating country has equal voting rights regardless of the numbers of representatives appointed.
- (5) Within this voting procedure, each delegations has one vote regardless of the number of their representatives.
- (6) Voting within national delegations assumes three options: yes/no/abstain from voting. If consensus cannot be reached within a national delegation, the simple majority rule shall apply (with participation of Monitoring Committee members from that particular national delegation, who are present at the Monitoring

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- Committee meeting). Votes of members who abstain from voting are not counted. In case of equal votes yes/no, the head of that delegation decides.
- (7) Each member/ observer shall appoint its representative(s) and their deputy(ies) and provide the Secretariat with the names and contact details of the representative(s)/ deputy(ies).
 - (8) During the process of appointing the members, a balanced representation between men and women will be encouraged.
 - (9) The Commission representative shall be involved in the work of the MC and invited to each meeting of the MC as an observer without any voting rights in his/her advisory capacity.
 - (10) Other entities may also participate as observers or invitees with a consultative role in the MC reunions and written consultations. The list of institutions and organizations represented in MC as observers is listed in Annex 2 of the Rules of Procedures.
 - (11) The chairperson, the secretary, the observers (including the EC representative) and invitees participating in the MC meeting, have no voting rights. The co-chairperson, as representative of a participating country, shall have voting rights.
 - (12) Each national delegation shall be coordinated by a Head of delegation, nominated by the respective National Authority.
 - (13) The secretariat role will be delegated by the MA to the Joint Secretariat.

Art. 4 -MC Chairmanship

- (1) The head of the MA shall act as Chairperson and shall lead the work of the MC. The chairperson is appointed for the entire programme period and shall have no voting right. Until the finalization of the formalities for the appointment of the Head of MA for the Interreg NEXT Romania-Ukraine Programme, the tasks of the Chairperson are fulfilled by the Head of MA for the Joint Operational Programme Romania-Ukraine 2014-2020.
- (2) In duly justified cases, if the chairperson cannot attend a meeting, it will be substituted by a MA representative, mandated by the Chairperson. MC members shall be informed about this nomination before the meeting.
- (3) The Chairperson shall head the activity of the MC by exercising the following responsibilities:
 - a) Convenes the meetings of the MC, at least once per year or as often as necessary, at the request of the MA or following duly justified written request received from any head of national delegation, or from the European Commission;
 - b) Approves the documents that will be submitted to all participants to the meeting, as well as the provisional agenda of the meeting;

- c) Chairs the meetings of the MC;
 - d) Ensures the decision-making process based on consensus, by trying to solve any divergence that may appear during the meetings;
 - e) Signs the correspondence, the decisions and the minutes of the MC meetings;
 - f) Is responsible for ensuring that decisions of the Monitoring Committee comply with the rules laid down in the relevant regulations.
- (4) The partner country where the MC meeting takes place can appoint a Co-Chairperson. The Co-Chairperson shall be a permanent member of the MC, has voting rights during the concerned meeting and has the following tasks:
- a) Together with the Chairperson facilitates the MC debates
 - b) Gives support to the JS, if needed, in organizing the meetings in the concerned partner country.

Art. 5 - Members and observers

- (1) The MC members have decision-making power and are designated by the institutions listed in the Annex 1 of the Rules of Procedure.
- (2) The MC is composed of members and deputies. Each member has an appointed deputy.
- (3) The observers are designated by the institutions listed in the Annex 2 of the Rules of Procedure. The observers participate at the MC meetings in a consultative role, without decision-making power. At the same time, the observers may be consulted also for the decisions taken by written procedure, when the discussed issues are in their area of competence.
- (4) The appointment and replacement of a member (permanent or deputy), as well as of the observers shall be notified by the institution represented in the MC via the National Authority, by notification to MC Secretariat. The MC Secretariat shall inform the MC Chairperson.
- (5) Any temporary variation to the MC list should be officially notified, using the form presented in Annex 6, to the MA/ Chairperson of MC, by the member who cannot attend the meeting. The member, after the consultation of the national delegation may delegate his/her mandate as follows:
 - a) to another member (permanent and deputy) of the national delegation;
 - b) to another person from the institution that is represented in the MC.
- (6) The capacity of member, deputy member or observer shall be lost, when the appointed persons are in one of the following situations:
 - a) ended their activity in the respective institution; in this case, the institution shall inform the Secretariat and appoint a new member.

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- b) broke the provisions of the Rules of Procedure or of the Code of Conduct. In this case, the Chairperson informs the institution that designated that member and requests a new designation.
 - c) at the decision of the institution/organization that they represent, communicated to the MC Secretariat together with the delegation of a new person
- (7) The Chairperson of the Monitoring Committee shall have the right to invite other participants to the meeting of the MC as observers or advisors, with agreement of the MC.
- (8) The members and /or their deputies may address their proposals or requests directly to the Secretariat, by email. However, the request to organize an extraordinary meeting of the MC must be firstly agreed within the national delegation and submitted to the Secretariat by the Head of national delegation.
- (9) Members, deputies and observers are not remunerated for their activity in the MC.
- (10) The costs related to the participation to the MC meetings of the permanent/ deputy members of the MC, shall be covered by Programme funds, in line with the TA strategy. Also the costs for participation of observers/invitees may be covered by TA funds, in line with the TA annual strategy.
- (11) Regional Office for Cross Border Cooperation Suceava will act as a permanent guest in the MC.

Art. 6 - The Secretariat of MC

- (1) The activity of the MC is assisted by the Secretary and coordinated by the Chairperson of the MC. The Secretariat will be ensured by the Joint Secretariat of the Programme located in Suceava, within the Regional Office for Cross-Border Cooperation Suceava. Until the finalization of the formalities for the appointment of the staff of the JS for the Interreg NEXT Romania-Ukraine Programme, the tasks of the Secretary are fulfilled by the staff of JTS for the Joint Operational Programme Romania-Ukraine 2014-2020.
- (2) The Secretariat functions based on an internal procedure and has the following tasks:
- a) Creates a unique email address to be used for the MC written procedures and communications.
 - b) Ensures logistical preparation, transmits invitations, agenda and meeting documents to the MC members;
 - c) Prepares and transmits via e-mails, under the coordination of the MA, the documentation related to written procedures, information, or other consultations launched under the Programme;

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- d) Receives, and, on a case by case basis, under the coordination of the MA, integrates and or elaborates the supporting documents, relevant for the meeting (this includes, but is not limited to, minutes of the meetings, MC decision on the project selection, documents related to the implementation of the Programme, etc.);
 - e) Transmits meeting documents to the MC members by email, or by using the Programme website extranet, or by other electronic means.
 - f) Provides, under the coordination of the MA, to the members of the MC, at their request, all the necessary information in order to support the decision-making process in the MC;
 - g) Manages the written MC procedures;
 - h) Prepares the MC decisions under the MA coordination;
 - i) Drafts the minutes of the MC meetings, signs it and ensures the transmission of the final drafts of the minutes to all participants, including the EC representative(s), as well to those members and observers who were absent, and to their appointed deputies;
 - j) Monitors the implementation of the MC decisions and ensures the exchange of information regarding these issues between the parties involved; informs the Chairperson of the MC about any difficulty in the implementation of the MC decisions;
 - k) Receives, registers and resolves the correspondence regarding the activity of the MC; in case its competences and attributions are surpassed, informs the Chairperson of the MC as soon as possible;
 - l) Ensures the archiving of all documents (electronic and paper) regarding the MC meetings, correspondence and decisions;
 - m) Ensures that information and documents regarding the MC activity are published on the programme webpage with prior approval of the Chairperson;
 - n) Supports the Chairperson of the MC in any other matter related to the activity of the MC;
- (3) Any request for information regarding the activity of the MC shall be addressed to the Secretariat, by e-mail, or, if the case may be, by post.

Art. 7 - MC Meetings

- (1) The MC meetings will take place at least once per year, with a strong recommendation of meeting twice per year, respecting, if possible, the principle of rotation between the participating countries as regards the location of the reunions. It shall be convened by the Chairperson at the request of the Managing Authority/ European Commission or upon duly justified written request of any head of national delegation.

- (2) The MC shall meet in the eligible area of the Programme. Exceptionally, the MC meetings can be organized outside the eligible area.
- (3) For facilitating the participation of members and observers, as well as of any other invitees, the meetings may be organized also in a hybrid format, or, with the prior agreement of the MC members, in on-line format.
- (4) Invitation to the MC meetings and the provisional agenda shall be communicated by the MC secretary with at least 20 working days before the date of the meeting. The convocation of the MC in extraordinary meetings can be done in less than 15 working days provided that the logistic arrangements allow it. Invitations at the MC meetings will always be done in written form, by email. Members must confirm their participation in a reasonable period of time, but within no less than 10 working days before the meeting, so that not to jeopardize the good organization of the meeting.

In case of canceling their participation, in the absence of objective reasons, the expenditure made by the JS/MA for travel and/ or accommodation of a MC member/ observer that previously confirmed the participation may be requested to be reimbursed by the nominating institution.

- (5) Meeting documents shall be forwarded by the Secretariat with at least 10 working days before the date set. On a case by case basis, the Chairperson can reduce this period.
- (6) Each delegation, under the coordination of the National Authority, shall organize internal consultations. Following these consultations any additional points or comments of the participants regarding the draft agenda and the related support documentation shall be sent to the Secretariat with at least 5 working days before the meeting. On a case by case basis, the Chairperson can reduce this term.
- (7) When written observations from the delegations are received, the Secretariat, will forward them to the MC Chairperson. The Chairperson will determine whether:
 - a) The observations do not affect the initial proposal and consequently these can be integrated in the documents or
 - b) Further discussions should take place during the MC meeting in order to reach a common agreement on those issues that cannot be integrated in the documents.
- (8) The final agenda and the meeting documents shall be sent to the MC members within 5 working days before the meeting. In duly justified cases, when very important topic arises and could not be foreseen at this stage, the Chairperson may amend the agenda, at his/ her own initiative or at the proposal of a permanent member of the MC or of the European Commission.
- (9) The Secretariat may provide the members of the MC with other relevant information regarding the provisional agenda (until the day of the meeting or

even at the beginning of the meeting) in order for them to have at their disposal the most recent information regarding the topics.

- (10) At the beginning of each meeting, the agenda of the respective meeting will be adopted.
- (11) At the end of each meeting, the MC shall issue a decision on each of the agreed upon topics (annex 5 MC decision model). Each decision shall be signed by the Chairperson of the MC.
- (12) The MC meetings do not have a public character. A summary regarding the data and information, including of MC decisions, shall be presented to the public on the website of the programme.
- (13) The list of operations selected for support approved by the MC shall be posted to the web-site of the Programme, as soon as the contracts with the beneficiaries are concluded.
- (14) The Secretariat shall draw up the draft Minutes of the meetings, which include the summary of the decisions taken, and submit it to all the participants within 15 working days from the date of the meeting, by e-mail.
- (15) The comments to the minutes may be sent to the Secretariat within maximum 10 working days from the minute's submission. The consolidated version of the minutes and corresponding annexes shall be sent by the Secretariat to the MC members, observers and to the other participants to the MC meeting within 10 working days from the deadline for receiving the observations.

If new objections are raised, related in particular to those modifications operated to the initial version as a result of the first round of comments, the Secretariat shall have another 5 working days to revise the minutes with prior consultation of the Chairperson and retransmit the final document to MC members, observers and other participants.

If no objections are raised within the deadline, the minutes are considered approved.

- (16) The final Minute shall be co-signed by the MC Chairperson and the MC Secretary.
- (17) In order to avoid any conflict of interests, the MC members and observers will not take part in the decision-making process regarding the issues where there is a conflict of interest. The members will sign the Declaration of Impartiality and Confidentiality and they will indicate the issues where impartiality cannot be ensured. In case a conflict of interest should arise the MC members that have a potential conflict of interest are requested to declare before the start of discussions/written procedure any conflict of interests that may exist on certain points of the agenda/issues.

- (18) A member/observer that declares its involvement into one of the topics shall be requested by the Chairperson to withdraw from the meeting during the discussions on the specific issues.

Art. 8 - The decision-making procedure in the MC meetings

- (1) The MC meetings can only take place if both countries are represented.
- (2) As a general rule, the MC decisions have validity if at least half of the voting members are attending the meeting.
- (3) The MC decision will be taken by consensus among the national delegations. In the meaning of the Rules of Procedure, the consensus is defined as the expression of the agreement of the MC national delegations on the debated issues and on the proposed decision, set down as the most appropriate for the sound implementation of the Programme based on coherent and pragmatic arguments, MC can adopt at that moment.
- (4) In case the consensus is impossible to be reached on the MA proposal, the Chairperson may give a recess for consultations within and among the national delegations in order to reconsider their position; the impossibility to reach consensus appears if, after two rounds of discussions on one certain issue, a consensual decision cannot be reached.
- (5) In order for the MC to reach a decision, the Managing Authority shall present its proposal, and, if the case, possible alternatives
- (6) Each delegation, under the coordination of the head of the delegation, may organize, if necessary, internal consultations prior to the MC meetings. Following these consultations any additional points or comments of the participants regarding the draft agenda or the presented documents shall be sent by the head of the delegation, in form of a consolidated position to the Secretariat that will forward them to the MC chair.
- (7) In case that during the meetings the consensus between the two delegations cannot be reached the Chair and Co-chair shall use all appropriate channels and shall seek to resolve the differences.
- (8) Should the consensus be impossible to reach on the proposal indicated by the MA, alternative choices may be proposed by any of the Head of Delegations. The Chairperson shall seek the consensus on the proposed alternative as expressed by the MC voting members, provided that the new proposal is fully compliant with the regulations governing the Programme.

Art. 9 - The written decision-making procedure

- (1) The MC may take decisions through written procedure, at the initiative of the Chairperson.

- (2) In case of applying the written procedure, the Secretariat submits to the MC members, by email, the description of the identified issue, related documentation and identified solution.
- (3) The objections or the agreement on the raised issues/proposed documents transmitted in written procedure can be submitted to the Secretariat in written form (e-mail) within maximum 10 working days from the date the documents were transmitted. The Chairperson may decide the reduction of this period. Each delegation shall send to the Secretariat, through the head of the national delegation, a consolidated opinion of its representatives. Changes of the composition of the delegations occurred during a written procedure shall not have as an effect the extension of the deadlines set for that certain written procedure, except for those cases listed in Art. 5 (6) a), b).
- (4) If no objections are raised within the deadline, the proposal is deemed approved in the sent format.
- (5) Following the 10 working day period, the Secretariat shall inform the MC:
 - a) Whether any proposal submitted to the MC for adoption has, in the absence of any written objection, been deemed agreed, or
 - b) If any written objections per delegation have been registered and, if so, what the Chairperson has determined in line with paragraph (6) of the present article.
- (6) Where written comments and objections are received by the Secretariat, the Chairperson will determine whether:
 - a) The requested changes are not substantial and do not affect the initial proposal, and consequently they can be integrated. In this case the documents are deemed agreed, and the MC will be informed accordingly.
 - b) The objections should be integrated within the submitted documents, case in which paragraph (7) of the present article applies.
 - c) The MC must be convened in a meeting.
- (7) In case the Chairperson determines that the objections should be integrated in the documents, the Permanent Secretariat shall send to the MC members the revised version of the documents. If no additional comments concerning the proposed changes are received from the MC members in the next 5 working days, the new version is deemed agreed. If new comments related to the proposed changes arise, the Chairperson shall take one of the decisions listed at paragraph (6).
- (8) In order to facilitate the decision-making process, each delegation may organize internal consultations under the coordination of the Head of Delegation, within the set deadlines.
- (9) The Secretariat submits to the MC members the final version of the documents agreed through written consultation procedure.

- (10) Material errors in approved documents may be corrected by the Secretariat, with the prior approval of the MA, under the condition that the Secretariat consequently informs all the MC members and observers and all interested parties.
- (11) In case the MA has objections concerning the compliance of a decision taken by the MC with the legal framework of the Programme, the decision shall be taken with reservation until the MA clarifies the matter with the European Commission. In the case that no compliance should be asserted or no clarification could be obtained, the respective decision will not come into operation and will be canceled. The MA will report on the result of its consultation with the European Commission to the MC. If necessary, the MC shall issue a new decision taking into consideration the MA report.

Art. 10 - Code of Conduct

- (1) The MC members are guided in their activity by the principles of the Code of Conduct, which is an integral part of the Rules of Procedure and is presented in Annex 3.
- (2) Any assessment and/or decision of the MC has to be free from bias and must not be influenced by partial/personal interest of any of its members. According to this principle, each participant has to sign a declaration of impartiality and confidentiality, which is attached to these rules of procedure (Annex 4). The Chairperson shall ensure that all permanent members of the MC, deputies and observers have signed the mentioned declaration before any meeting
- (3) In the case of non-compliance with the Code of Conduct, the MC members shall be revoked, prior written notification, in line with the provisions of Article 5 of the Rules of Procedures.

Art. 11 - Working language

- (1) The official and working language of the MC shall be English.

Art.12 - Circuit and keeping the documents

- (1) Official documents shall be sent by the Secretariat to the MC members by email, using a single email address of the MC (mc_next_roua@brctsuceava.ro or by other IT secured means, or if the case may be, on post. The Secretariat will ensure the activity of keeping all MC related documentation including the archives.

Art. 13 -Personal data protection

The members/ their deputies, observers, as well as any other guests/ experts that are involved in this MC will allow Ministry of Development Public Works and Administration to process their personal data. Furthermore, the photographs and/or

videos taken during the event can be used on social media, on the programme's website and for the programme's communication and information activities.

Personal Data collection, processing and storage shall be performed according to the provisions of the EU Regulation No 679/2016 for the purpose of programming, as well as archiving and statistical purpose, by taking all technical and organizational measures necessary in order to ensure the integrity and confidentiality of personal data.

Any personal data will be processed solely for the purposes of the implementation of the **(Interreg VI-A) NEXT Romania -Ukraine Programme** by the Managing Authority and may also be passed to the bodies in charge with monitoring or inspection tasks according to the relevant European legislation for the programming period 2021-2027 or any bodies/entities authorized by the MA.

More information regarding the rights of individuals regarding the processing of personal data could be found on the official programme site: www.ro-ua.net.

Art. 14- Final provisions

(1) The MC shall approve unanimously these Rules of Procedure, as well as any other further revision.

(2) The Rules of Procedure enter into force from the date of the approval by the MC, during its first meeting.

(3) The Rules of Procedure may be amended whenever that is deemed as necessary, at the initiative of the MC members or the MA. The MC approves the modifications by consensus.