

Done in Timișoara, on November 3, 2004

## **INTERNAL RULES of the Regional Development Board of the West Region**

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### **CHAPTER I**

#### **Organization of the Regional Development Board**

##### **Article 1**

- (1) The Regional Development Board of the West Region, hereinafter the “Board” is the regional deliberation body, not a legal entity as such, established with the purpose of coordinating the regional development and the drafting and monitoring activities, provided in the regional development policies, enforceable in the development region composed of the following counties: Arad, Timiș, Caraș-Severin, Hunedoara (hereinafter the “Region”).
- (2) The Board shall operate based on partnership principles, to fulfill the tasks entrusted to it and to implement the regional development policies set through Law No. 315/2004 on the regional development in Romania.

##### **Article 2**

- (1) The Regional Development Board shall be made up of the presidents of the local councils and of one representative of each category of local, municipal, city and communal councils of each county of the region.
- (2) The members of the Regional Development Board shall not receive any type of salary for the performance of their tasks.

##### **Article 3**

- (1) The Regional Development Board shall elect a president and a vice-president that shall not represent the same county; the presidents of the county councils shall perform such functions in a rotational system, for a one-year mandate each.
- (2) If the president cannot fulfill his/her tasks, then the vice-president shall take on to fulfill the tasks of the president.
- (3) If neither the president, nor the vice-president can attend a meeting, such will be postponed; the written procedure is likely to be used for the adoption of the decisions on the agenda of the meeting.

##### **Article 4**

The Secretariat of the Regional Development Board shall be established within the Regional Development Agency West which will supply expert staffing for the purpose.

## **Article 5**

- (1) The Director of the Regional Development Agency shall have the right to attend all meetings of the Regional Development Board.
- (2) The prefects of the counties that make up the development region may take part in the working meetings of the Regional Development Board, upon invitation by the president of the Board, but shall have no voting rights.
- (3) Other local, municipal, city and communal councils, agencies and organizations active in the regional development field, employers' associations and national trade unions, as well as the civil society may send in representatives to take part in the working meetings of the Board as guests, without voting rights, depending on the issues raised for debate; they may raise proposals for the agenda which the Regional Development Board may debate and vote.
- (4) At those meetings of the Regional Development Board where regional programs according to the provisions of Article 7 (2) – (c) and (d) of Law No. 315/2004 are submitted for approval or endorsement, its members, including the guests, shall sign a non-disclosure and impartiality agreement. If the individual does not have voting rights but has access to the information raised for debate, he/she shall sign a non-disclosure agreement as well. If one of the Board members is also the representative of a public agency that submitted a program whose funding has to be granted or is likely to be in a conflict of interests, then he/she shall notify the Board, shall refrain from voting and shall sign only the non-disclosure agreement. If several of the members of the Board are in this situation and the list of draft programs is unlikely be adopted, then the voting shall be carried out for each program individually and only the individuals that cannot observe the impartiality condition shall refrain from exercising their voting rights.
- (5) In case of a breach of the legal provisions on the conflict of interests and on the non-disclosure agreements in force, the members of the Regional Development Board and/or the guests shall be held liable and non-observance shall be penalized according to the legal provisions in force.

## **CHAPTER II**

### **Activity of the Regional Development Board**

## **Article 6**

- (1) The meetings of the Regional Development Board shall be carried out only if at least half plus one of the number of its members are present and on condition that all the counties of the region be represented.
- (2) If the meeting of the Regional Development Board does not fulfill all the conditions for participation provided in par. (1), then it shall be postponed, and a new meeting shall be convened within 15 days. The postponed meeting shall take place even if not all conditions provided in par. (1) are met, and the decisions made by the Regional Development Board in this meetings shall be binding.
- (3) The members of the Regional Development Board who, for objective reasons, cannot take part in these meetings may appoint, through written authorization, a proxy, who can be either the vice-president or the deputy mayor.
- (4) The written authorization appointing a proxy for the meeting of the Regional Development Board shall detail the reasons that made the participation in the meeting of the Board impossible and shall be submitted and registered prior to the meeting with the Secretariat of the Board within the Regional Development Agency.
- (5) In order to fulfill the tasks it has been entrusted with, the Regional Development Board shall take decisions by consensus. If no consensus is achieved, then decisions shall be taken by simple majority voting by the members present. The vote of the president shall be decisive in case of even ballots.
- (6) The Secretariat of the Board shall notify the decisions adopted to the national agency with jurisdiction in the regional development field, to the members of the regional

development board and to other interested parties no later than 15 business days after their adoption.

#### **Article 7**

- (1) The president of the Board, or, in his/her absence the vice-president shall act as convener of the meetings of the Regional Development Board held ordinarily every three months, or extraordinarily in special cases.
- (2) In special cases, the extraordinary meetings of the Regional Development Board may be convened upon request of one third of the total number of the Board members, of the director of the Regional Development Agency, as well as upon request of the National Board for Regional Development.
- (3) The Regional Development Board may use the written procedure in order to adopt extraordinary decisions.
- (4) The agreement of the members of the Regional Development Board on the adoption of decisions in a written procedure shall be sent electronically and by fax to the president and the vice-president of the Regional Development Board and to the Secretariat established within the Regional Development Agency.
- (5) The decisions shall be deemed approved in the written procedure if the agreement is given by the simple majority of the members of the Regional Development Board within 5 business days since the receipt of the draft decisions. The vote of the president shall be decisive in case of even ballots.
- (6) The text of each decision passed in the written procedure according to par. (3) – (5) shall specify the type of its adoption.
- (7) The secretariat of the Regional Development Board shall notify the decisions passed in the written procedure to the bodies and individuals provided in Article 6 (6) no later than 5 business days since their adoption.

#### **Article 8**

- (1) The Secretariat of the Board shall convene and send written invitations to the working meetings of the Board no later than 7 calendar days before the date of the meeting. The invitations shall include the date, hour, place and the agenda of the meeting, as well as the website where information on the given meeting can be downloaded.
- (2) The agenda of the meeting of the Regional Development Board, and, as the case may be, the materials that are to be discussed shall be posted on the website of the regional development agency no later than 5 days before the date of the meeting.

#### **Article 9**

- (1) At the end of each meeting, the president of the Regional Development Board shall call the voting of the agenda, which can be endorsed by ballot of the majority of the members present.
- (2) The agenda can be supplemented with issues other than those initially notified if two thirds of the members present are in agreement.
- (3) The next ordinary meeting shall be set at the end of each meeting.

### **CHAPTER III**

#### **Responsibilities of the Regional Development Board**

#### **Article 10**

- (1) Main responsibilities of the Regional Development Board are:

- a) to analyze and endorse the regional development strategies and programs;
- b) to support the drafting of the National Development Plan in partnership;
- c) to approve the regional development programs, selected at regional level, in accordance with the criteria, priorities and methodology developed by the national agency with responsibilities in the regional development field and the specialized regional bodies;

- d) to send to the National Board for Regional Development the list of programs to be selected at national level to get the necessary funding;
- e) to approve the criteria and the priorities for the earmarking of the resources of the Regional Development Fund;
- f) to submit to the National Board for Regional Development proposals on the allocation of funds to the Regional Development Fund;
- g) to monitor the amounts earmarked from the National Fund for Regional Development;
- h) to submit the amount of the yearly contributions, their destination and payment schedule to the National Board for Regional Development, within the ceiling approved in the budgets of the counties, allocated for the Regional Development Fund, in order to fund the objectives of the regional policies;
- i) to notify to the county councils the decision of the National Board for Regional Development on the approval of the funding, made up of their financial contributions which shall be earmarked for the Regional Development Fund and shall be included in their own yearly budgets under a special heading, called Regional development and promotion. No later than 60 days from the receipt of the notification on the yearly contributions set, the county councils shall adopt ordinances to enforce the decisions of the Regional Development Boards. The yearly contributions shall be paid every three months in the account of the Regional Development Fund, managed by the Regional Development Agencies.
- j) to attract other local and regional funds with a view to meeting the regional objectives; these funds shall be deemed as income for the Regional Development Fund;
- k) to approve the activity reports drafted every six months by the regional development agency;
- l) to coordinate and support the development of the regional partnerships;
- m) to develop and approve its own internal rules in accordance with the provisions of the framework rules for the organization and operation of the regional development boards;
- n) to endorse the contracts, conventions, agreements and protocols, as well as other similar legal documents concluded by the regional development agency with third parties in their specific field of activity, including with the similar European Union institutions and to inform accordingly the National Board for Regional Development;
- o) to approve the articles of incorporation of the regional development agency as well as its organizational flowchart;
- p) to coordinate all activities related to the regional media coverage of the regional development policies and objectives, of the regional programs funded by the European Union, as well as the regional use of funds and to ensure the accurate, rapid and timely transparency and information for the citizens, and especially for the entrepreneurs;
- q) to approve the reports submitted by the Regional Development Agency West to the national institution with tasks in the regional development field relating to the implementation stage and difficulties, the impact of the regional development programs/projects, as well as the progress indicators;
- r) to approve the yearly draft operational income and expenditure budgets of the Regional Development Agency West;
- s) to appoint the director of the Regional Development Agency West following a competition organized in accordance with the provisions of Article 8 (6) of Law No. 315/2004 on the regional development in Romania and to demote the director of the Regional Development Agency West, subsequent to the preliminary investigation carried out in accordance with the Labor Code if he/she is found in violation of the provisions of the Labor Code on the cancellation of labor contracts and in accordance with the provisions of Article 10 of G.D. No. 1256/2004;
- ș) to develop and approve reports every six months and one yearly activity report. Such shall be sent to the National Board for Regional Development no later than 30 days since the end of the period afore-mentioned;
- t) to fulfill the tasks that are incumbent in accordance with the legislation on the regime of the disadvantaged areas and that derive of other legal documents in force.

### **Article 11**

(1) The president of the Regional Development Board shall have the main following responsibilities:

- a) to convene, coordinate the preparation and chair the meetings of the Regional Development Board;
- b) to approve the draft agenda, the guest list, as well as the materials that are to be sent out for the meetings of the Regional Development Board;
- c) to sign the decisions and the minutes of the meetings, the reports drafted every six months and the yearly activity report of the Regional Development Board;
- d) to endorse the changes of the meeting minutes, taking into account the proposals and the observations by the vice-president, the members, as well as the secretariat of the Regional Development Board;
- e) to issue ordinances between the meetings in well documented emergency cases, that have to be approved by decision of the Regional Development Board in the following meeting, and, also, to issue ordinances if mandated to do so by the Board;
- f) to represent the Regional Development Board, together with the vice-president, at the National Board for Regional Development;
- g) to represent the region and the Regional Development Board in the relations with other regions in the country and abroad.

(2) The president of the Regional Development Board shall also fulfill other tasks deriving from the provisions of Law No. 315/2004.

### **Article 12**

The Vice-president of the Regional Development Board shall have the following responsibilities:

- a) to take over the tasks of the President of the Regional Development Board, based on a written authorization signed by the latter if he/she cannot perform them out of justified reasons;
- b) to take part in the preparation of the meetings of the Regional Development Board;
- c) to make observations and proposals related to the contents and the manner in which the meeting minutes of the Regional Development Board are to be drafted;
- d) to fulfill any other tasks set by the Regional Development Board;
- e) to represent the Regional Development Board, together with the President, in the National Board for Regional Development.

### **Article 13**

The Secretariat of the Regional Development Board shall perform the following main activities:

- a) develop the documents necessary for convening the meetings of the Regional Development Board;
- b) post on the website of the Regional Development Agency the agenda and the minutes of the meetings, as well as the materials that the Regional Development Board decides to publish;
- c) convene and send the invitations for the meetings of the Regional Development Board in accordance with the provisions of Article 7 (1) and (2) and of the Article 8 (1) and (2);
- d) draft the meeting minutes of the Regional Development Board and sent the final version signed by the President, as well as the decisions of the Regional Development Board to the national institution responsible for regional development, the members of the Board and other interested parties no later than 15 days from the date when the meeting was convened;
- e) register the agreement sent through the written procedure according to Article 7 (3) – (5) and send to the institutions and individuals provided in Article 6 (6) the decisions adopted in no later than 5 business days from their approval;
- f) draft reports every six months and develop the yearly activity report of the Regional Development Board and send them, subsequent to their approval by the Regional

Development Board, to the National Board for Regional Development for information no later than 30 days after the afore-mentioned date;

g) receive and register the written authorizations for the appointment of proxies to the meetings of the Regional Development Board;

h) supply specialized assistance between the meetings to the President and Vice-president of the Regional Development Board;

i) register and keep in the appropriate specific conditions the non-disclosure and impartiality agreements signed by the members of the Regional Development Board according to Article 5 (5);

j) receive and forward the mail addressed to the Regional Development Board;

k) establish and keep a comprehensive log of the meetings and activities of the Regional Development Board;

l) supply registration and archiving services for the documents related to the activities of the Regional Development Board;

m) perform other activities that are set by the Regional Development Board.

## **CHAPTER IV**

### Final provisions

#### **Article 14**

The members of the West Regional Development Board shall perform free of charge.

#### **Article 15**

This Internal Rules of the West Regional Development Board shall be published in the Romanian Official Journal, Part I, according to the provisions of Article 18 of Law No. 315/2004.

#### **Article 16**

(1) The Internal Rules of the Regional Development Board shall be deemed adopted if voted by two thirds of its members and only in the presence of at least one representative of each county.

(2) Amendments of the Internal Rules of the Regional Development Board shall be deemed approved if voted by two thirds of its members and only in the presence of at least one representative of each county.