

Annex 11 – Monitoring Committee (MC) Terms of Reference (ToRs) and Rules of Procedure



MONITORING COMMITTEE

**for the
EUROPEAN ECONOMIC AREA (EEA) GRANT
and the
NORWAY GRANT
2009 – 2014**

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TERMS OF REFERENCE AND RULES OF PROCEDURE

final draft

**National Focal Point
Malta**

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LIST OF ABBREVIATIONS

EEA	European Economic Area
FMC	Financial Mechanism Committee
MEAIM	Ministry for European Affairs and Implementation of the Electoral Manifesto
MoU	Memorandum of Understanding
NGO	Non-Governmental Organisation(s)
NMFA	Norwegian Ministry of Foreign Affairs

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1. Preamble

The Monitoring Committee is being set up to perform the role and to carry out the relevant functions as stipulated in the Regulations¹, in particular Article 4.4 thereof.

2. Functions

The Monitoring Committee shall satisfy itself as to the effectiveness and quality of the implementation of the EEA Grant 2009-2014 and the Norway Grant 2009-2014, in accordance with the following provisions:

- (a) it shall periodically review progress made towards achieving the objectives of the EEA Grant 2009-2014 and Norway Grant 2009-2014 on the basis of documents submitted by the National Focal Point and the Programmes Operator²;
- (b) it shall examine the results of implementation, particularly the achievement of the outputs as well as the progress towards expected outcomes and objectives set for each programme, and of the evaluations referred to in Chapter 9 of the Regulations;
- (c) it shall assess and prepare an opinion on the Strategic Reports before they are sent to the Financial Mechanisms Office;
- (d) it may propose to the National Focal Point any revision or examination of the implementation framework in Annexes B to the MoU likely to make possible the attainment of the EEA Grant 2009-2014 and Norway Grant 2009-2014 objectives referred to in Article 1.2 of the Regulations or to improve their management, including their financial management.

3. Membership

The Monitoring Committee shall be composed as follows:

- The Permanent Secretary MEAIM (or designate) as Chairman;
- The Head of the Focal Point or designate;
- The Head of the Certifying Authority or designate;
- The Director General (Treasury) or designate;
- The Permanent Secretaries (or designates) as representatives of their respective ministries / portfolios;
- A representative of the Malta Environment and Planning Authority (MEPA);
- A representative of the National Commission for the Promotion of Equality (NCPE);

¹ The Regulations are the Regulation on the implementation of the European Economic Area (EEA) Financial Mechanism 2009-2014 adopted by the EEA Financial Mechanism Committee pursuant to Article 8.8 of Protocol 38b to the EEA Agreement on 13 January 2011 and confirmed by the Standing Committee of the EFTA States on 18 January 2011, as amended on 4 January 2012 and on 14 March 2013, and the Regulation on the implementation of the Norwegian Financial Mechanism 2009-2014 adopted by the Norwegian Ministry of Foreign Affairs pursuant to Article 8.8 of the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014 on 11 February 2011, as amended on 15 December 2011 and on 14 March 2013.

² In the case of Malta, the Funds and Programmes Division within MEAIM is both the National Focal Point and the Programmes Operator.

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- A representative of each of the social partners represented on the Malta Council for Economic and Social Development (MCESD);
- A representative of the Local Councils Association;
- A representative from the equal opportunities non-governmental sector;
- A representative from the inclusion non-governmental sector;
- A representative from the environmental non-governmental sector;
- A representative from the heritage non-governmental sector;
- A representative of the Financial Mechanism Committee (FMC) (observer);
- A representative of the Norwegian Ministry of Foreign Affairs (NMFA) (observer)

4. Secretariat

The Secretariat to the Monitoring Committee will be provided by the National Focal Point.

5. Conflict of Interest

Any of the members having conflicting interest to any of the issues due to be raised during meetings are to abstain from being present. In this event, such members are to inform the National Focal Point of another person delegated to attend the said meetings in their stead.

6. Meetings

- (a) The Chairman shall convene the Monitoring Committee as often as necessary but at least once every year.
- (b) Other ad hoc experts may be invited to participate in the meetings of the Monitoring Committee (or parts thereof) to give clarifications / presentations on particular issues related to the implementation of the programme.
- (c) The Monitoring Committee may appoint ad hoc sub-committees to deal with issues of a very specific nature.

7. Agenda

At the request of the Chairman, the Secretariat shall draw up the agenda of the meetings. The Secretariat may request supporting documentation from any of its members. The agenda, together with the supporting documentation, shall be sent to all participants at least ten (10) working days prior to the date of the meeting. Members and observers would be allowed five (5) working days prior to the date of the meeting to notify the Committee Secretariat that they wish to have an item included under "Other Business".

8. Written Procedure

With the approval of the Chairman, an item of substance which requires an outcome prior to the next meeting of the Monitoring Committee may be submitted to the Committee for adoption by written procedure. Members and observers shall give their opinion in writing within seven (7) working days from the date the electronic mail is sent. The absence of a written objection from a member of the Committee shall be taken to indicate approval of the course of action recommended.

9. Minutes

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The Secretariat shall produce a record of each meeting of the Monitoring Committee. Draft minutes shall be issued to the participants within ten (10) working days of the meeting.

10. Decisions and Conclusions

The Monitoring Committee shall endeavour to achieve its decisions expeditiously and by consensus. In circumstances where unanimity is not achieved, decisions will be taken by vote (simple majority of members present). The Chair will also have casting vote.

11. Code of Conduct

- (a) The Monitoring Committee members shall conduct themselves in compliance with the principles of the Code of Conduct (Annex 1) that is an integral part of these Terms of Reference and Rules of Procedure.
- (b) In case of non-compliance with the provisions of the Code of Conduct membership may be revoked. In such cases, the Secretariat shall notify the institution in question and shall request the nomination of a replacement.

12. Final provisions

- (a) The Terms of Reference and Rules of Procedure may be amended by decision of the Monitoring Committee. Amendments shall enter in force with effect from the date of their adoption.

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ANNEX 1

Code of Conduct for the members of the Monitoring Committee

The Monitoring Committee members shall comply with the following rules of conduct:

1. They shall act in the interest of the implementation of the EEA Grant 2009-2014 and the Norway Grant 2009-2014, according to the established purposes and objectives;
2. They shall take decisions in the public interest and shall not act to obtain financial benefits or other benefits for themselves or for other persons;
3. They shall notify the Chairman of any conflict of interest situation they might find themselves in, in relation to an item on the agenda for discussion, before the meeting. In this case, the member or the observer shall not participate in the meeting;
4. At the end of the meeting, they shall inform the public authority, institution or body they represent, about the main points discussed and about the decisions taken;
5. They shall observe confidentiality of information, disclosure of which could affect the legitimate interest of any institution, organisation or person, or information that if used in a privileged manner could give rise to non-legitimate advantages;
6. They shall respect the decisions adopted by the Monitoring Committee under the conditions of its Terms of Reference and Rules of Procedure.