

# **MONITORING COMMITTEE - 2014-2020**

for

## **Operational Programme II: Investing in Human Capital to Create More Opportunities and Promote the Well-being of Society**

### **Mandate and Rules of Procedure**

#### **Preamble**

With respect to Commission Decision C (2015) 1420 of { } March 2015 approving the Malta Operational Programme II - ***Investing in Human Capital to Create More Opportunities and Promote the Well-being of Society*** and in compliance with Article 47 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17<sup>th</sup> December 2013, laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (hereinafter 'Common Provision Regulation') and its subsequent amendments. Malta establishes a Monitoring Committee (hereinafter 'MC') for the purpose of monitoring and assessing the implementation and efficient spending of funds under Operational Programme II - ***Investing in Human Capital to Create More Opportunities and Promote the Well-being of Society*** (European Structural and Investment Funds<sup>1</sup>). This is co-financed by the European Social Fund (ESF).

In line with Regulation (EU) No 1303/2013 and Regulation EU No 240/2014, the mandate of the MC and its rules of procedure are hereinafter laid down:

#### **Mandate**

##### **Article 1: Functions**

The role of the MC is to satisfy itself as to the effectiveness and quality of the implementation of the Operational Programme, in accordance with Articles 49 and 110 of Regulation (EU) 1303/2013 which include the following provisions:

- a) Examine and approve the methodology and criteria used for selection of operations and any revision to the same criteria as proposed by the Managing Authority;

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<sup>1</sup> OP reference (CCI number): **CCI 2014MT05SFOP001**

- b) Examine and approve the Evaluation Plan referred to in Article 114 of Regulation (EU) 1303/2013 and any modification proposed by the Managing Authority;
- c) Examine and approve the Communication Strategy referred to in Article 116 of Regulation (EU) 1303/2013 and approve any revision of this Strategy in accordance with the programming needs;
- d) Examine and approve any proposal by the Managing Authority for any amendment to the Operational Programme;
- e) Examine and approve the annual and final reports on implementation referred to in Article 50 of Regulation (EU) 1303/2013;
- f) Examine any issues that affect the performance of the Operational Programme referred to in Article 110 of Regulation (EU) 1303/2013, including the conclusion of the performance reviews referred to in Article 49(2) of Regulation (EU) 1303/2013 and any subsequent amendments;
- g) Periodically review progress registered towards achieving the specific targets of the OP on the basis of documents submitted by the Managing Authority giving regard to the financial data, common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework referred to in Article 21(1) of Regulation (EU) 1303/2013, and where relevant, the results of qualitative analysis;
- h) Examine the implementation of the Communication Strategy;
- i) Examine the implementation of the Evaluation Strategy;
- j) Examine the actions to promote equality between men and women, equal opportunities and non-discrimination including accessibility for persons with disabilities;
- k) Examine the actions to promote sustainable development;
- l) Examine the progress on actions to fulfil the applicable ex-ante conditionalities not fulfilled at the date of the submission of the Partnership Agreement and the Operational Programme;
- m) Examine the Financial Instruments under OP II;

- n) Act as the Committee responsible to examine and approve the annual and final implementation report for the 2007-2013 Operational Programme II [CCI 2007MT051PO001; and
- o) The MC may make observations to the Managing Authority in line with Article 49(4) of Regulation (EU) 1303/2013.

## **Article 2: Membership**

1. In terms of Article 47(1) and Article 48(1) of Regulation (EU) 1303/2013 the following are the Members as appointed by the Member State:
  - a) The Permanent Secretary responsible for EU Funds (or designate) as Chairperson;
  - b) The Permanent Secretary/ies of each Ministry as representatives of their respective portfolios (or designate)<sup>2</sup>;
  - c) The Head of the Managing Authority (or designate);
  - d) The Head of the Certifying Authority (or designate);
  - e) The Director General (or designate) of the Funds and Programmes Division (FPD-MEAIM);
  - f) The Director General (or designate) of the Department of Contracts (MFIN);
  - g) The Director General (or designate) of the Treasury Department (MFIN);
  - h) The Director General (or designate) of the Economic Policy Department (EPD - MFIN);
  - i) The of the Head of EU Secretariat (or designate);
  - j) One (1) nominated representative (or substitute) from National Commission for the Promotion of Equality (NCPE);
  - k) One (1) nominated representative (or substitute) of the General Workers' Union;
  - l) One (1) nominated representative (or substitute) of the Union Faddiema Magħqudin;
  - m) One (1) nominated representative (or substitute) of the Confederation of Malta Trade Unions;
  - n) One (1) nominated representative (or substitute) of the Malta Employers' Association;
  - o) One (1) nominated representative (or substitute) of the Malta Hotels and Restaurants Association;
  - p) One (1) nominated representative (or substitute) of the Malta Chamber of Commerce, Enterprise and Industry;
  - q) One (1) nominated representative (or substitute) of the General Retailers and Traders' Union;
  - r) One (1) nominated representative (or substitute) from the Forum Unions Maltin;
  - s) One (1) nominated representative (or substitute) of Civil Society Committee within the Malta Council for Economic and Social Development;

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<sup>2</sup> Permanent Secretaries will also represent all public authorities, entities and commissions falling within the portfolio of the respective Ministry, including representatives of the Intermediate Body (as applicable).

- t) One (1) nominated representative (or substitute) from the Gozo Business Chamber representing the Gozo Regional Committee;
  - u) The Governor (or substitute) of the Central Bank of Malta;
  - v) One (1) nominated representative (or substitute) of the Local Councils' Association;
  - w) One (1) nominated representative (or substitute) of the Malta Confederation of Women's Organisation;
  - x) One (1) nominated representative (or substitute) from the National Council of Women;
  - y) One (1) nominated representative (or substitute) of the Richmond Foundation representing the Social Inclusion NGO sector;
  - z) One (1) nominated representatives (or substitute) from Friends of the Earth representing the environment NGO sector;
  - aa) Representative/s of the European Commission (in an advisory role);
  - bb) One (1) nominated representative (or substitute) of the European Investment Bank, to participate when and as appropriate.<sup>3</sup>
2. The Member State may appoint additional Members as it deems appropriate.
  3. The list of the Members of the Monitoring Committee shall be published as referred to in Article 48(2) of Regulation (EU) 1303/2013 on the Managing Authority's website.
  4. Members of Monitoring Committee, as identified above, will avoid any conflict of interest<sup>4</sup> during the execution of their functions as listed under Article 1.

### **Article 3: Secretariat**

1. The Secretariat<sup>5</sup> to the MC will be provided by the Managing Authority.
2. The Secretariat's responsibilities include:
  - a) The preparation of written documents submitted to MC meetings (including distribution of documents to the Members of the MC);
  - b) Technical and organisational issues and administration activities for MC meetings;
  - c) Keeping the minutes of meetings.

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<sup>3</sup> For those OPs to which the EIB makes a contribution.

<sup>4</sup> Article 11 (f) of Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds

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## **Rules of Procedure**

### **Article 1: Meetings**

1. The Chairperson will convene the MC at least once annually and the MC shall review the implementation of the programme and progress made towards achieving its objectives. In doing so, it shall have regard to the financial data, common and programme-specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework referred to in Article 21(1) of Regulation (EU) 1303/2013, and, where relevant, the results of qualitative analyses.
2. The Chairperson may invite *ad hoc* experts in the meetings of the MC (or parts thereof) to give clarifications and/or make presentations on particular issues related to the implementation of the Operational Programme II.

### **Article 2: Agenda**

1. At the request of the Chairperson the Secretariat shall draw up the agenda of the meetings. The Secretariat may request supporting documentation from any of its Members. The agenda shall be sent to all members at least twenty (20) working days prior to the date of the meeting. Following the circulation of the agenda, Members shall be allowed five (5) working days to notify the Secretariat with a proposed new item to be included under "Other Business". The supporting documentation relating to the MC shall be sent to all Members at least ten (10) working days prior to the date of the meeting, with the exception of any supporting documentation relating to the new item as proposed by the Members for inclusion on the agenda, shall be circulated at least five (5) working days prior to the date of the meeting.
2. Documents approved by the MC will be published.

### **Article 3: Written Proceedings**

1. With the approval of the Chairperson, an item of substance which requires an outcome prior to the next meeting of the MC may be submitted to the Committee for adoption by written procedure. Members shall give their opinion in writing within ten (10) working days. If no comments are received, the Secretariat will assume that the Members are in favour of the motion. Such a decision is also valid if the Secretariat receives a standpoint in favour of the motion by at least a simple majority of all Members of the Committee. The absence of a written objection from a Member of the Committee shall be taken to indicate approval of the course of action recommended.

2. The Secretariat under the direction of the Chairperson shall communicate to the Members the outcome of decision taken through written procedures.
3. The Chairperson shall inform the MC Members on the outcome of decision taken through written procedure in the subsequent MC, for information purposes.

#### **Article 4: Minutes**

1. The Secretariat shall produce a record of each meeting of the MC. Draft minutes shall be issued to the Members within twenty (20) working days of the meeting. Members should provide any comments or suggestions to the Secretariat on the draft minutes as circulated within ten (10) working days from date of circulation.
2. The draft minutes of a meeting together with any proposed amendments, shall be placed on the Agenda for the next meeting for formal approval of the Committee.

#### **Article 5: Decisions and Conclusions**

1. All Members other than those in an advisory role<sup>6</sup> shall have a vote. The Chairperson shall have a vote and a casting vote.
2. The MC shall endeavour to achieve consensus.
3. Only in cases where no consensus can be reached, a vote cast is to be taken in order to reach a decision. In such instances, a decision is adopted by a simple majority of those Members present who hold a voting right, provided that at least 60 per cent of all the Members of the Committee with voting rights are present for the vote.

#### **Article 6: Changes to the Rules of Procedure**

1. Subject to the principles set in the Common Provision Regulations and the Operational Programmes, the Committee may, at any time, amend these rules of procedure in line with Article 5 of these Rules of Procedures, after seeking the opinion of the Managing Authority.
2. The ruling of the Chair will determine any disputes in relation to the interpretation of the rules of procedure.

#### **Article 7: Final Provisions**

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<sup>6</sup> As per Article 2 (aa) to (bb) of Mandate.

These provisions enter into effect upon their approval by the Monitoring Committee.