

# MONITORING COMMITTEE - 2021-2027 for

Programme:

## **European Maritime, Fisheries and Aquaculture Fund (EMFAF)**

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

#### **Preamble**

With respect to Commission Decision C(2022)8723 for 2021MT14MFPR001 of 28/11/2022 approving the Malta Operational Programme for the EMFAF – **European Maritime, Fisheries and Aquaculture Fund**, and in compliance with Article 38 of Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24<sup>th</sup> June 2021, laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (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 EMFAF – **European Maritime, Fisheries and Aquaculture Fund** (European Structural and Investment Funds<sup>1</sup>). This is co-financed by the said Fund.

In line with Regulation (EU) No 2021/1060 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 Article 40 of Regulation (EU) 2021/1060 which include the following provisions:

- a) Examine the progress in programme implementation and in achieving the milestones and targets;
- b) Examine any issues that affect the performance of the programme and the measures taken to address those issues;
- c) Examine the contribution of the programme to tackling the challenges identified in the relevant country specific recommendations that are linked to the implementation of the programme;

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<sup>1</sup> OP reference (CCI number): CCI 2021MT14MFPR001

- d) Examine in relation to financial instruments the elements of the **ex ante** assessment listed in Article 58(3) and the strategy document referred to in the Article 59(1);
- e) Examine the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- f) Examine the implementation of communication and visibility actions;
- g) Examine the progress in implementing operations of strategic importance where relevant ;
- h) Examine the fulfilment of enabling conditions and their application throughout the programming period;
- i) Examine the progress in administrative capacity building for public institutions, partners and beneficiaries, where relevant;
- j) Examine information regarding the implementation of the contribution of the programme to the InvestEU Programme in accordance with Article 14 or of the resources transferred in accordance with Article 26, where applicable;
- k) Approve the methodology and criteria used for the selection of operations, including any proposed changes thereto proposed by the Managing Authority;
- l) Approve the final performance report for programmes supported by the EMFAF;
- m) Approve the evaluation plan and any amendment thereto in line with Article 44(6);
- n) May recommend/give an opinion on any proposal by the Managing Authority for the amendment of a programme including for transfers in accordance with Article 24 and Article 26
- o) Be consulted by the Managing Authority when the use of a simplified cost option in a call for proposals in line with Recital 42. and set out in Article 53, is being considered;
- p) The MC may make recommendations to the Managing Authority in line with Article 40(3) of Regulation (EU) 2021/1060.

## **Article 2: Membership**

1. The Members of the Monitoring Committee are those listed in the Resolution. The Member State, at the discretion of the Chairperson, may appoint additional Members as it deems appropriate. Representatives of the Commission shall participate in the work of the monitoring committee in a monitoring and an advisory capacity.
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 39(1) of Regulation (EU) 2021/1060 on the Managing Authority's website.
4. Members or their substitutes of the Monitoring Committee, commit to act transparently and to ensure the impartial and objective implementation of their function within the MC.

### **Article 3: Secretariat**

1. The Secretariat<sup>2</sup> to the MC will be provided by the Managing Authority.
2. In terms of Article 75 of Regulation (EU) 2021/1060 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) Organisational, administrative and technical support for the MC meetings;
  - c) Keeping the minutes of meetings;
  - d) Follow-up of the decisions and recommendations of the MC;
  - e) Any other tasks as assigned by the MC.

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<sup>2</sup> Contact Details: Secretariat to the Monitoring Committee, Funds and Programmes Division, The Oaks Business Centre, Block B, Farsons Street, Hamrun HMR 1321, Telephone Number: 00356 2555 2634; E-mail: fpd.mefl@gov.mt

## **Rules of Procedure**

### **Article 1: Meetings**

1. The Chairperson will convene the MC at least once annually and the MC shall review all issues that affect the progress of the programme towards achieving its objectives in line with Article 38 (3) of Reg. (EU) No 2021/1060 by undertaking the tasks listed in Article 1 of this Mandate.
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 Programmes.

### **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 not less than ten (10) 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 not less than 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 in line with Article 49 of CPR on the website.

### **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 or where the matter is deemed to be urgent, within five (5) 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 MC meeting. The 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 meeting together with any proposed amendments, shall be placed on the agenda for formal approval of the Committee during the subsequent Committee meeting.

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

1. All Members other than those in an advisory role<sup>3</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 a quorum of 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.

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<sup>3</sup> As indicated in Article 2 of Mandate.

### **Article 7: Conflict of Interests**

1. The Members are fully committed to act impartially and without prejudice and shall not allow any conflict of interest to compromise their position and the EU financial interest.
2. The Members shall ensure that when a real or perceived conflict of interest arises, it is properly identified, disclosed and resolved whilst managed in a transparent, accountable and timely manner. For this purpose, all MC members shall sign a declaration confirming that they have no interests that are in conflict with the implementation of the EU budget or execution of the functions performed as a member of the Monitoring Committee.
3. In instances of conflict (real or perceived), the member shall inform the Chairperson of the Monitoring Committee, in writing, before the start of the MC meeting and, at the discretion of the latter, abstain from participating in the discussion and decision-making process, in line with Article 11 of the Commission Delegated Regulation (EU) No 240/2014.
4. Conflicts declared previously do not need to be declared again unless an item on the Agenda proposed for a particular Monitoring Committee meeting has changed the circumstances. In this case, the Member/s should inform the Chairperson of the Monitoring Committee, in writing, before the start of the MC meeting and, at the discretion of the latter, abstain from participating in the discussion and decision-making process relating to that particular item.
5. All members accept that the declaration is subject to possible checks by the respective Managing Authority and any issues raised related to any of the declarations will be addressed. Therefore, should a conflict of interest be detected during this process, the respective member would be requested by the Chairperson of the MC to abstain from participating in the related discussion and decision-making process.

### **Article 8: Final Provisions**

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