

## MONITORING COMMITTEE – 2021-2027

for

### ESF+ Programme

*Fostering the socioeconomic wellbeing of society through the creation of opportunities for all and investment in human resources and skills*

### 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.
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 Programme.

#### 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.

2. 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.
3. The absence of a written objection from a Member of the Committee shall be taken to indicate approval of the course of action recommended.
4. The Secretariat, under the direction of the Chairperson, shall communicate to the Members the outcome of the decision taken through written procedures.
5. 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 a meeting together with any proposed amendments, shall be placed on the agenda for formal approval of the Committee.

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

1. All Members other than those in an advisory role 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 Programme, 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: Conflict of Interest**

1. The Members are fully committed to act impartially and without prejudice and shall not allow any conflict of interests or objectively perceived conflict of interests as per the provisions of Article 61 of Financial Regulation (Regulation (EU, Euratom) 2018/1046), to compromise their position and the EU financial interest.
2. The Members shall ensure that if there are conflict of interests or objectively perceived conflict of interests as set out in Article 61 of Financial Regulation, it is properly identified, disclosed and resolved whilst managed in a transparent, accountable and timely manner. For this purpose, when nominated, all MC members shall sign a declaration confirming that they have no interests that are in conflict or objectively perceived to be 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 of interests or objectively perceived conflict of interests in relation to a specific decision-making item on the agenda, the member shall inform the Chairperson of the Monitoring Committee, in writing, at least 5 working days before the date of the MC meeting and, at the discretion of the latter, abstain from participating in the decision-making process (exercise of voting rights), in line with Article 11 of the Commission Delegated Regulation (EU) No 240/2014 governing conflict of interest and in line with Article 38(2) of Regulation (EU) 2021/1060.
4. In instances of conflict of interests or objectively perceived conflict of interests in relation to a specific decision-making item which is subject to a written procedure, the Member should inform the Chairperson of the Monitoring Committee, in writing, at least 5 working days (and where the matter is deemed urgent 2 working days) from the deadline of the written procedure and, at the discretion of the latter, abstain from participating in the decision-making process (exercise of voting rights) 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 conflict of interests or objectively perceived conflict of interests 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

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