

MONITORING COMMITTEE

for the

CAP Strategic Plan

2023-2027

Mandate and Rules of Procedure

Preamble

With respect to Commission Decision C (2022) 8459 of the 30th November 2022 approving Malta's CAP Strategic Plan - and in compliance with Article 124 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021, establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (hereinafter 'CAP SP Regulation') and its subsequent amendments, allowing a Member State to set up a Monitoring Committee (hereinafter 'MC') for the purpose of monitoring and assessing the implementation and the efficient absorption of funds under the CAP Strategic Plan¹. This is co-financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD).

In line with Regulation (EU) No 2021/2115, the mandate of the MC and its rules of procedure are hereinafter laid down.

¹ CCI Reference: **2023MT06AFSP001**

Mandate

Article 1: Functions

(1) The role of the MC is to monitor the implementation of the CAP Strategic Plan, in accordance with Article 124 of Regulation (EU) 2021/2115.

(2) The monitoring committee shall examine in particular:

- (a) progress in CAP Strategic Plan implementation and in achieving the milestones and targets;
- (b) any issues that affect the performance of the CAP Strategic Plan and the actions taken to address those issues, including progress towards simplification and reduction of administrative burden for final beneficiaries;
- (c) the elements of the ex-ante assessment listed in Article 58(3) of Regulation (EU) 2021/1060 and the strategy document referred to in Article 59(1) of that Regulation;
- (d) progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- (e) relevant information related to the performance of the CAP Strategic Plan supplied by the national CAP network;
- (f) the implementation of communication and visibility actions;
- (g) administrative capacity building for public authorities and farmers and other beneficiaries, where relevant.

(3) The monitoring committee shall give its opinion on:

- (a) the methodology and criteria used for the selection of operations;
- (b) the annual performance reports;
- (c) the evaluation plan and amendments thereof;
- (d) any proposal by the managing authority for an amendment of the CAP Strategic Plan.

Article 2: Membership

1. In line with Article 106(3) and Article 124(2) of Regulation (EU) 2021/2115 the Member State shall determine the composition of the Monitoring Committee. The list of members is set out in *Annex I – List of Members of the Monitoring Committee* of the *Resolution by the Member State* dated 23rd February 2023.
2. The Member State may modify the list of Members as it deems appropriate.
3. The list of the Members of the Monitoring Committee shall be published as referred to in Article 124(2) of Regulation (EU) 2021/2115 on the Managing Authority's website.

4. Members or their substitutes of the Monitoring Committee, as identified above, commit to ensure the impartial and objective implementation of their function within the MC.

Article 3: Secretariat

1. The Secretariat² 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) 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.

² Contact Details: Secretariat to the CAP SP Monitoring Committee, Funds and Programmes Division, The Oaks Business Centre, Block B, Farsons Street, Hamrun HMR 1321, Telephone Number: +356 25552634 ; E-mail: rdd.mefl@gov.mt

Rules of Procedure

Article 1: Meetings

1. The Chairperson will convene the MC at least once annually and the MC shall monitor the implementation of the CAP Strategic Plan.
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 CAP Strategic Plan.

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. In line with Article 124(1) of Regulation (EU) 2021/2115, the rules of procedure of the MC, and the monitoring committee's opinion on the items listed in Article 124(4) of the same regulation, will be published on the Managing Authority's 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 written 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 Secretariat, under the direction of the Chairperson, shall communicate to the Members the outcome of the decision taken through written procedures.

4. The Chairperson may 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 CAP Strategic Plan Regulation and the CAP Strategic Plan, the Committee may, at any time, may 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 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 members³ shall sign a declaration confirming that they have no interests that are in conflict with the implementation of the EU budget or execution of

³ This includes both nominated members and their substitutes.

the functions performed as a member of the Monitoring Committee.

3. In instances of conflict (real or perceived), the member shall inform the Chairperson and abstain from participating in the discussion and decision-making, 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 accordingly and 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 the respective Managing Authorities and any issues raised related to any of the declarations will be addressed. Therefore, should a conflict of interest is 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.

6. The Members, other than the authorities responsible for the implementation of the Programme, may not take up duties with regard to the preparation and assessment of calls for proposals, progress reports and monitoring and evaluation activities, in accordance with Articles 12 and 13 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.

Article 8: Final Provisions

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

Annex I – List of Members of the Monitoring Committee (as per Resolution of the Member State dated 23rd February 2023).

Membership of the CAP Strategic Plan Monitoring Committee 2023-2027

In terms of Article 124 of Regulation (EU) 2021/2115, 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 various Ministries⁴ as representatives of their respective portfolios (or designate)⁵;
- C. The Head of the Funds and Programmes Division (FPD) (or designate);
- D. The Chief Coordinator (Agriculture and Rural Development)(FPD) (or designate);
- E. The Head of the Competent Authority (or designate);
- F. The Director General (or designate) of the Planning and Priorities Coordination Division (PPCD);
- G. The Director General (or designate) of the Department of Contracts (MFE);
- H. The Director General (or designate) of the Paying Agency (MAFA);
- I. The Director General (or designate) of the Economic Policy Department (EPD-MFE);
- J. The Director (or designate) of the Human Rights Directorate (HRD);
- K. One (1) nominated representative (or substitute) of the Malta Council for Economic and Social Development;
- L. One (1) nominated representative (or substitute) of the National Commission for the Promotion of Equality (NCPE);
- M. One (1) nominated representative (or substitute) of the Commission for the Rights of Persons with Disability (CRPD);
- N. One (1) nominated representative (or substitute) of the Local Councils' Association;
- O. One (1) nominated representative (or substitute) from Din I-Art Helwa representing the environment NGO sector;
- P. One (1) nominated representative (or substitute) of the Farmers' Cooperative representing the general farming sector;
- Q. One (1) nominated representative (or substitute) of the Dairy Producers' Cooperative representing the dairy sector;
- R. One (1) nominated representative (or substitute) of the Pig Breeders' Cooperative representing the swine sector;
- S. One (1) nominated representative (or substitute) of the Rabbit Producers' Organisation representing the rabbit sector;
- T. One (1) nominated representative (or substitute) of the Poultry Producers' Organisation representing the poultry sector;
- U. One (1) nominated representative (or substitute) of the Sheep and Goats Producers' Organisation representing the sheep and goats sector;
- V. One (1) nominated representative (or substitute) of the Għaqda Bdiewa Attivi;
- W. Representative/s of the European Commission (in an advisory role).

⁴ Ministry for Gozo (MGOZ), Ministry for Transport, Infrastructure and Capital Projects (MTIP), Ministry for Finance and Employment (MFE), Ministry for Agriculture, Fisheries and Animal Rights (MAFA), Ministry for Education, Sport, Youth, Research and Innovation (MEYR), Ministry for the Economy, European Funds and Lands (MEFL), Ministry for The National Heritage, the Arts and Local Government (MHAL), Ministry for the Environment, Energy and Enterprise (MEEE).

⁵ Permanent Secretaries will also represent all public authorities, entities and commissions falling within the portfolio of the respective Ministry.