



Interreg Italia-Malta

Fondo Europeo di Sviluppo Regionale
European Regional Development Fund



UNIONE EUROPEA
EUROPEAN UNION

Minutes

1st Meeting – Executive Committee

22-24 May 2017 – Palermo

Approved on the 15th of June 2017

The members of the Executive Committee of the INTERREG V-A Italia Malta, listed in the annexed attendance sheet which is part of the minutes (Annex 1), met at the Dipartimento regionale della Programmazione of the Regione Siciliana, at 12:00 a.m. on 22 May 2017. The Italian representatives of the Agenzia per la Coesione Territoriale (Dott. Verrico e Dott.ssa Angori) participated through web conference facilities. The meeting of the Executive Committee was attended by members of the Joint Secretariat – Mr. Marco Sambataro, Mrs Ilva Maria Parlato and Mrs Chiara Di Bella.

Gianpaolo Simone, as delegated chairperson, opened the proceedings of the 1st Executive Committee meeting, welcomed the participants and read the agenda:

1. Constitution of the Executive Committee
2. Approval of the Agenda
3. Verification and approval of the admissibility grids related to the project proposals submitted within the Public Notice 01/2016
4. Any other business

The meeting moved on to **agenda item 1 Constitution of the Executive Committee**

Gianpaolo Simone declares that the quorum has been reached and the meeting is valid. Thus, the Executive Committee of INTERREG V-A Italia Malta is constituted.

Mr. Simone asks for the approval of the agenda.

The representatives of the Executive Committee approve the agenda.

Marco Sambataro explains to the representatives of the Executive Committee the need to sign a declaration regarding the eventual conflict of interest about the project proposals evaluation procedure, in line with the requirements of the European Commission (letter dated 22/11/2016 ref. Ares(2016)6551296). For what above, each representatives of the Executive Committee receives and signs a declaration regarding the eventual conflict of interest. They are part of the minutes (Annex 2).

Raphael Scerri greeted the JS for the hard work and highlights that the Maltese representatives of Ministry for Finance and of the Planning Authority take part to the meeting. The representative of the NCPE delegated Mr. Scerri as representative of the Equal Opportunity in Malta.

Scerri explains that the rules of procedures are approved, but in line with art. 6 the meeting should have been called at least 21 calendar days prior to the date fixed for the meeting. In this case, the meeting was called 7 days before and Mr. Scerri asks for the opportunity to modify the rules of procedure.

Gianpaolo Simone underlines that the main issue of this meeting is very sensitive as well as the timing but in the future the requirements of the rules of procedures will be met. Just in case the theme should be urgent, in the future the rules of procedures could be modified.

Raphael Scerri clarifies that the Audit Authority could move on some observations if we leave the rules of procedures as they are and proposes to launch a written procedure for the revision of the timing.

The representatives of the Executive Committee share the opportunity to launch a written procedure for the revision of art. 6, namely the section related to the timing of calling the meeting.

The meeting moved on to **agenda item n. 3 Verification and approval of the admissibility grids related to the project proposals submitted within the Public Notice 01/2016**.

Gianpaolo Simone highlights that a number of 83 project proposals were verified and it seems clear that the number of proposals eligible for further evaluation is low due to systemic errors already explained by the JS. For what above, the Executive Committee as group deriving from the Executive Committee should find solutions and operational proposals to extend the number of projects to be eligible for further evaluation in order to ensure full compliance with the principle of "favor participationis" and where possible the principle of "soccorso istruttorio".

The Executive Committee decides to address the decisions to the implementation of the juridical principle of "favor participationis" and where possible the principle of "*soccorso istruttorio*" (art. 83(9) of D.Lgs. 50/2016) in order to make eligible for further evaluation as many projects as possible assumed that their inadmissibility is only related to clerical mistakes and this kind of choice is of public interest.

For what above, it is hereunder listed a number of systemic errors that determined the ineligibility of a number of projects that fell within in one or more of them, against the provision of the Public Notice:

- A. Lack of the project summary translation in the other language than the one used for drawing up the Application Form
- B. Beneficiaries that identify themselves as "public entities" but should have indicated "bodies governed by public law";
- C. National co-financing amounts indicated in Annex A different from the ones reported in the Application Form;
- D. Wrong indication of the budget and/or the partners within the formal administrative act;
- E. Submission of non-original documentation
- F. Exceeding the cost limits related to the line items "staff cost" and "office and administrative expenditures"
- G. Supposed incoherence between information reported in Annex C-Section 1 and Annex C-Section 2.

The discussion moves on the issue related to **letter A**.

In case of project proposals falling within the **case named letter A**, the Executive Committee decides to ask the documental regularization/clarification to the lead partner in order to receive the project summary translation in the other language than the one used for drawing up the Application Form, assumed that such regularization doesn't affect the nature of the project proposal.

The discussion moves on the issue related to **letter B**.

Raphael Scerri highlights that the case B doesn't apply to Maltese beneficiaries that identified themselves as public entities and preliminarily considered by the JS as bodies governed by public law.

Gianpaolo Simone asks for the possibility to have the reference to the legal framework clarifying that the above mentioned entities are "public entities".

Raphael Scerri clarifies that it only deals with a linguistic issue considering that the entities mentioned in the e-mail dated 28 March 2017 are public entities. Mr. Scerri shows the new Maltese public procurement law issued in October 2016 that lists the contracting authorities which are "public entities".

Antonio Verrico clarifies that in line with a ruling by the European Court of Justice, the issue to be understood in order to qualify the legal status of an entity is its function.

Marco Sambataro highlights that the theme related to the legal status of the Maltese beneficiaries doesn't apply to Italian beneficiaries. In this case, the JS consulted the list reported in Annex IV of the D.Lgs 50/2016 that reports the list of "Bodies governed by public law", although is not exhaustive.

Gianpaolo Simone underlines the need to obtain a new opinion regarding the Maltese "public entities" and the "bodies governed by public law".

Raphael Scerri agrees and communicates that a new opinion will be provided at the soonest.

The Executive Committee takes note of the e-mail communication dated 22/05/2017 (further registered by the MA, ref. n. 9751 of the 26th of May 2017 hereby attached – Annex 3) sent by the Maltese member State that confirms that all entities participating to the call 01/2016 are Public Entities. It is also confirmed by a legal opinion of the Maltese State – Mr. Falzon Scerri, Lawyer of the Office of the Attorney General – affirming that "all authorities listed in Schedule 1 of the Public Procurement Regulation 2016 – (legal notice 352 of 2016) are considered as "public".

Patrizia Barberi highlights that also the case of a Sicilian beneficiary needs to be clarified, namely the "Parco fluviale dell'Alcantara".

Pasquale Li Puma underlines that the Sicilian beneficiary "Parco fluviale dell'Alcantara" is a "body governed by public law".

In case of project proposals falling within the **case named letter B)**, the Executive Committee decides to ask the documental regularization/clarification to the lead partner regarding the statute, the two balance sheets and the annex C, assumed that such regularization doesn't affect the nature of the project proposal

The discussion moves on the issue related to **letter C**.

Marco Sambataro underlines that the JS didn't report any case where the incoherence between the Annex A and the AF was referred to decimal places.

Raphael Scerri highlights that the provision of the Public Notice 01/2016 was the submission of the original version of Annex A, duly signed and stamped, but no reference to the correct amount to be inserted was indicated within the Public Notice. For what above, Mr. Scerri proposes to completely overcome any possible incoherence within Annex A, taking also into account that the legal representative signed the letter.

Gianpaolo Simone proposes to consider the opportunity to ask the documental integration to the beneficiaries falling within this case.

Antonio Verrico shares the proposal of the Executive Committee chairperson.

In case of project proposals falling within the **case named letter C)**, the Executive Committee decides to ask the documental regularization/clarification to the lead partner regarding the incoherence between the amount reported in the Annex A and the one reported in the Application Form.

The discussion moves on the issue related to **letter D**.

In case of project proposals falling within the **case named letter D)**, the Executive Committee decides to ask the documental regularization/clarification to the lead partner regarding the incoherence between the indication of the budget and/or partner within the formal administrative act.

The discussion moves on the issue related to **letter E**.

In case of project proposals falling within the **case named letter E**, the Executive Committee decides to ask the documental regularization/clarification to the lead partner regarding the no original documents submitted.

The discussion moves on the issue related to **letter F**.

Raphael Scerri proposes to adopt a general flexibility principle, also in line with the implementation manual, on the basis of which it is not considered as exceeding the cost limits when the percentage remains within decimal places that can be rounded off by default. Thus, in case of staff cost whose percentage fixed in the manual corresponds to 40%, it is considered as exceeding the cost limit if the percentage reaches 40,51%. Otherwise, if the percentage reaches the 40,50% rate, such exceeding cannot be considered against the rules fixed in the implementation manual.

In case of project proposals falling within the **case named letter F**, the Executive Committee decides to consider eligible any possible exceeding of the percentages provided in the implementation manual for "staff cost" and "office and administrative expenditures" whenever such percentages remains within decimal places that can be rounded off by default.

The discussion moves on the issue related to **letter G**.

Raphael Scerri proposes to adopt a general flexibility principle on the basis of which clarifications are required to beneficiaries whenever any possible incoherence between Annex C-section 1 and Annex C-Section 2 occurs. Furthermore, Mr. Scerri proposes that in case of the Maltese beneficiary exceeding the whole amount of € 200.000 under the DE Minimis system due to the sum of the amount issued by Malta member State and the ERDF required under the Italia Malta Programme, it has to be taken into account only the amount requested to the MA because it will provide to declare the State-aid to the Italian member State. What above will allow to avoid any possible exceeding of the plafond because it would be a grant provided by two different member States.

Antonio Verrico highlights that two different modalities on how to calculate the De Minimis system within ETC programmes are currently discussed in Europe:

- 1) Each member State registers the De minimis aids issued in its own territory;
- 2) The MA registers also the aids to beneficiaries coming from the other member State, considering that the MA is the entity issuing the aid.

Mr. Verrico confirms that any possible choice has to be approved by the Monitoring Committee.

Gianpaolo Simone reminds that in fulfilling the application pack approved by the MC (Annex C of the Public Notice 01/2016) each beneficiary requiring the application of the De Minimis system was required to declare any further aids received in the previous two years. For what above, taking also into account the resources of the programme as well as the need not to create any disparities in treatment between beneficiaries from the two Member States, it has to be considered as amount that can be issued by the MA the one that falls in the ceilings of € 200.000.

In case of project proposals falling within the **case named letter G**, the Executive Committee decides to ask the documental regularization/clarification to the lead partner regarding the compliance between the eventual economic activities carried out by the beneficiaries and the request to apply the De Minimis system in line with Reg. (EU) n. 1407/2013.

Gianpaolo Simone suggests to proceed to the examination of the grids in order to approve them.

A number of 21 project grids are examined and approved till h 18:30. The Executive Committee verified the systemic absence of 2015 balance sheets by the UNIPA and UNICT within all project proposals where the two beneficiaries are involved. Thus, the Executive Committee highlights the need to require a clarification to both Sicilian Universities.

At h 18:30 the Executive Committee concludes its activities.

The members of the Executive Committee of the INTERREG V-A Italia Malta, listed in the annexed attendance sheet which is part of the minutes, met again at the Dipartimento regionale della Programmazione of the Regione Siciliana, at 09:00 a.m. on 23 May 2017. The Italian representative of the Agenzia per la Coesione Territoriale (Dott.ssa Angori) participated through web conference facilities. The meeting of the Executive Committee was attended by members of the Joint Secretariat – Mr. Marco Sambataro, Mrs Ilva Maria Parlato and Mrs Chiara Di Bella.

A number of 58 project grids are examined and approved. Furthermore, the exclusion of a number of 4 project proposals sent after the expiring date indicated within the Public Notice was approved so that the related envelopes were not opened.

The Executive Committee solidly decides to authorize the MA to send a number of 26 official letters to lead partners requiring possible documental regularization/clarification. They are referred to all projects where the above reported cases occurred. The lead partners will be required to give a feedback no later than 10 calendar days after having received the letter.

The Executive Committee solidly decides to authorize the MA to consider inadmissible any possible documental regularization/clarification by potential beneficiaries that provide to modify the project partnership.

At h 18:30 the Executive Committee concludes its activities.

The members of the Executive Committee of the INTERREG V-A Italia Malta, listed in the annexed attendance sheet which is part of the minutes, met again at the Dipartimento regionale della Programmazione of the Regione Siciliana, at 11:00 a.m. on 24 May 2017. The Italian representative of the Agenzia per la Coesione Territoriale (Dott. Paolo Galletta) participated through web conference facilities. The meeting of the Executive Committee was attended by members of the Joint Secretariat – Mr. Marco Sambataro, Mrs Ilva Maria Parlato and Mrs Chiara Di Bella

A summary of the decisions is drawn up and the hereunder reported tables are approved.

Table 1 – project proposals per SO and eligibility state

Specific Objective	Eligible for further evaluation	Ineligible for the evaluation phase with supporting arguments	Project proposals whose documental regularization/clarifications are required by the Executive Committee	Total
1.1	13	13	13	39
2.1	2	5	1	8

2.2	0	2	0	2
3.1	4	9	8	21
3.2	5	4	4	13
TOTALE	24	33	26	83

Table 2 – Project proposals titles in relation to their admissibility check

Eligible for further evaluation	Ineligible for the evaluation phase with supporting arguments	Project proposals whose documental regularization/clarifications are required by the Executive Committee
MEDIWARN	SURF OFF	VOLARE
HARMONY	Job Match 2020	TRACER
GrHUB	DORIDE	VISITACI
SiMaSeed	SUMMER	BioWater
ASPICI	MARINE MEETER	Micro Watts
SAFE	IN.TOUR	OLIMEDforHEALTH
BIOREP	INNO CRAFT	IMOTRAD
Better Cities	BioVine	MuSe
VRAP	BEST	ApesIndicium
BYTHOS	PROTEUS	RIWETNET
SIMIT- THARSY	CLUSTERBIONET	3CNet
BIOCENTRO	UTBL	KELIM
ENISIE	S4	AGRIQUALECO
MARA	RAST	SMArtBREAD
FRONTIERE 3.0	WITS	I.T.A.M.A.
SUTONET	S.DA.Food-CE.IN Health	SAFE HAVEN - PORTO SICURO
GIFLUID	MEDNETS	INCOMING
I KNOW	TRANSEAT	NATIFLife
OPER@	CheBike	MediBioRes

Eligible for further evaluation	Ineligible for the evaluation phase with supporting arguments	Project proposals whose documental regularization/clarifications are required by the Executive Committee
SEMPER	Share.TEC	NEWS
BESS	CrossBrand	I-ACCESS
SEMPort	FAST	CEFAD
ITINERA	CoWoMed 2020	SPELAION
City+	NAVNET	AReCECC
	TENET	CUBIC-H
	REMMeLoon 2020	CALYPSO SOUTH
	MITHOS	
	TRANSGRASS	
	ValCon	
	Project proposal submitted after the expiring date (1)	
	Project proposal submitted after the expiring date (2)	
	Project proposal submitted after the expiring date (3)	
	Project proposal submitted after the expiring date (4)	
24	33	26

The meeting moved on to **agenda item 4 Any other business.**

Carmen Dalli invites to discuss the two following issues:

1. the re-launch of the call under Priority Axis II, whereby there is an agreement that this has to be issued as soon as possible in view of the Programme's financial and performance milestones in 2018;
2. the tentative timeline, as discussed and agreed upon between the representatives of the two Member States, with regard to the next steps of the selection procedure (i.e. the submission of the grids to the LP, the second meeting of the ExC, etc).

Having regards to point 1, the ExC solidly decides to wait for the outcomes of the eventual counter-deductions that could be sent by beneficiaries whose projects were excluded under the SO 2.1. Only later, the ExC will be able to eventually launch a Urgent targeted call in order to reach the performance framework.

Having regards to point 2, the ExC solidly shares the following timeframe to conclude the procedure:

- I. Within the 09th of June submission of the minutes and the attached grids in line with the decisions of the ExC;
- II. Within the 16st of June approval of the minutes and the attached grids by the ExC representatives;
- III. Within the 16 of June submission to the LP of the 26 grids approved by the ExC;
- IV. Within the 26th of June the regularization/clarifications by the 26 LPs will be received by the MA;
- V. The 03rd – 04th of July second meeting of the ExC in Palermo to evaluate and approve the documentation submitted by the 26 LPs
- VI. The 04th of July publication into the website of the outcomes of the first phase of the evaluation procedure and the decree of the MA;
- VII. Within the 04th of August collection of the eventual counter-deductions by the beneficiaries ineligible for further evaluation.

Marco Sambataro highlights that during the evaluation procedure, each projects will require about three working days. This timing could be reduced to two working days in case the ExC will authorize the JS to draw each grid in one of the two programme's languages (Italian or English language). Furthermore, if the fourth human resource of the JS were already selected in the meanwhile, the JS could assure the draw up of the evaluation grids in both languages and spending two working days.

Gianpaolo Simone suggests to decide the eventual launch of the targeted call during the second meeting of the ExC, at the light of the definitive number of proposals eligible for further evaluation.

At h 14:30 the Executive Committee concludes its activities.