

Interreg



Cofinanziato
dall'Unione Europea
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Italia - Malta

Monitoring Committee - Terms of Reference

Approved by the Monitoring Committee on the 30th May 2023

Art. 1 – Regulatory framework

The Member States Italia and Malta, in agreement with the Sicilian Region - Programme Managing Authority - following consultations with the Authorities participating in the Programme and in accordance with

- Commission Delegated Regulation (EU) No 240/2014 of 7.01.2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds;
- Commission Implementing Decision (EU) 2022/75 of 17 January 2022 setting out the list of Interreg programme areas to receive support from the European Regional Development Fund and external financing instruments of the Union, broken down by strand and Interreg programme under the European territorial cooperation goal
- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 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
- Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments;
- Commission Implementing Decision C(2022) 9624 final of 13.12.2022 approving the cooperation programme “(Interreg VI-A) Italy-Malta” for the support of the European Regional Development Fund under the “European territorial cooperation goal” (Interreg) in Italy and Malta CCI 2021TC16RFCB035;
- The ARES Note (2023) 408020 of 19/01/2023 of the EC "*Partnership during the implementation of Interreg programmes in the 2021-2027 programming period*" with which further clarifications and indications regarding the establishment of the programmes' MC were provided to the Managing Authorities of the INTERREG programmes;

have decided to establish, within the 2021-2027 programming period, a Monitoring Committee (hereinafter MC) responsible for the implementation of the Interreg VI-A Italia-Malta Programme.

In line with the legal basis mentioned above, the mandate and regulations of the MC are established below.

Art. 2 – Members

- I. As foreseen in Section 4 of the Interreg VI-A Italia-Malta Cooperation Programme, the MC is composed by Italian and Maltese members, with 8 voting rights per each Member State, and its internal rules must ensure an efficient decision-making process. The Managing Authority (hereinafter MA) consults, invites, and informs the representatives of the social and local partners of the territories participating in the meetings of the MC, also as observers, and provides all representatives of the MC within 10 days the information necessary for the performance of its tasks, following up on the decisions and recommendations of the latter.

- II. The MC is established in accordance with Articles 28 and 29 of the INTERREG Regulation.
- III. The MC is composed of representatives from each participating country taking into account a balanced representation between national or regional authorities, as indicated in Article 29 (1) of the INTERREG Regulation. The following are the administrations for the respective country whose representatives (full members and alternates) have a **right to vote**:

For the **Italian Republic**

1. Presidenza del Consiglio dei Ministri - Dipartimento per le politiche di coesione
2. Agenzia per la Coesione Territoriale
3. Presidenza del Consiglio dei Ministri – Dipartimento per le politiche in favore delle persone con disabilità
4. Ministero delle Economia e delle Finanze - Dipartimento della Ragioneria Generale dello Stato Ispettorato Generale per i Rapporti Finanziari con l'Unione Europea - I.G.R.U.E.
5. Dipartimento della Dipartimento della famiglia e delle politiche sociali della Regione Siciliana
6. Dipartimento dell’Ambiente della Regione Siciliana
7. Dipartimento del lavoro, dell'impiego, dell'orientamento, dei servizi e delle attività formative della Regione Siciliana
8. Associazione dei Comuni Siciliani - ANCI SICILIA

For the **Republic of Malta**

1. Ministry responsible for EU Funds - Funds and Programmes Division
2. Strategy and Implementation Division within the ministry responsible for European Funds
3. Ministry responsible for finance and employment
4. National Commission for the Promotion of Equality
5. Commission for the Rights of Persons with Disability
6. Human Rights Directorate
7. Ministry responsible for the Environment
8. Local Councils’ Association
9. Civil Society Committee within the Malta Council for Economic and Social Development

- IV. In accordance with Article 29 (1) (c) of the INTERREG Regulation and Article 8 of the CPR Regulation, the meeting of the MC are also attended by regional, urban and local public authorities, economic and social partners, research organisations and universities and competent bodies representing civil society, while ensuring the principles of equal treatment, proportionality and prevention of conflicts of interest. Here following are listed the Authorities for respective country whose representatives (full members and alternates) attend meetings **without the right to vote**:

For the **Italian Republic**

1. AdG FESR Sicilia 2021-2027
2. AdG INTERREG VI A Italia-Tunisia
3. AdG FSE+ Regione Siciliana
4. AdG PSR Sicilia 2021-2027
5. Unione Regionale delle Camere di Commercio Industria Artigianato Agricoltura della Sicilia
6. Conferenza dei Rettori delle Università italiane – Regione Siciliana
7. Organizzazioni non governative
8. Organismi incaricati di promuovere l’inclusione sociale, i diritti fondamentali, i diritti delle persone con disabilità, la parità di genere e la non discriminazione

For the Republic of Malta

1. Managing Authority of the respective OP ERDF 2021-2027
 2. Managing Authority of the CAP SP 2023-2027
 3. Malta Chamber of Commerce, Enterprise, and Industry
 4. Gozo Business Chamber representing the Gozo Regional Committee/ The Permanent Secretary responsible for Gozo
 5. Minsitry responsible for Education
- V. The European Commission will participate in the meetings of the MC in an advisory capacity and without voting rights. Other entities such as the Audit Authority may participate as an observer.
- VI. The Committee Presidency may also invite:
- Entities/authorities in accordance with the relevant stakeholder principle, in relation to the intended use of funds contributing to the Programme (policy objectives and target groups);
 - experts for the treatment of specific topics.
 - the independent evaluator of the Programme;
- VII. In case it's not possible to attend, the member may delegate in writing its powers to an alternate. The representation is limited to a specific meeting and must be sent to the President of the MC and to the MA at least three days before the meeting;
- VIII. The MA must be promptly informed in writing and before the meetings of any replacement of the representatives of the members of the MC.

Art. 3 – Tasks

- I. The MC is the decision-making body of the Interreg VI A Italia-Malta Programme responsible for examining the overall effectiveness, quality and consistency of the implementation actions to achieve the objectives set out in the cooperation programme. The MC will start its activities from the moment of establishment until the closure of the Programme.
- II. As required by the INTERREG Regulation (Articles 22, 28, 29 and 30)

The MC **examines:**

1. progress in implementing the Programme and achieving its milestones and targets;
2. all issues affecting the performance of the INTERREG programme and the measures taken to address it;
3. the progress made in carrying out evaluations and summaries of evaluations, as well as the follow-up to observations;
4. the implementation of communication and visibility actions;
5. progress in implementing planned Interreg operations of strategic importance;
6. progress in developing the administrative capacity of public administrations and beneficiaries;

and approves:

7. the methodology and criteria used for the selection of operations, including any amendments, after notification to the Commission, where required, pursuant to Article 22(3) of the Interreg Regulation, without prejudice to Article 33(3)(b), (c) and the CPR;

8. the selection and modification of operations only if this function is not delegated to the Executive Committee;
9. the evaluation plan and any amendments thereto;
10. any proposals for programme amendments made by the MA, including a transfer in accordance with Article 19(5);
11. the final performance report.

Art. 4 - Decision-making process and quorum

- I. The MC must undertake to apply the consensus method as far as possible.
- II. The MC is regularly convened when at least 8 of the effective members (4 for each Member State), with voting rights, are present at the meeting also through the web conference mode. The quorum of voting members shall be checked by the President at the beginning of the meeting and before taking any decision on the items on the agenda.
- III. If the quorum is not reached, the meeting of the MC is postponed with a new convocation containing the same agenda and the specification that no quorum will be required.

Art. 5 – Presidency

- I. The MC will be chaired alternately, in order, by the pro-tempore General Director of the Dipartimento Regionale della Programmazione (or by his delegate) and by the General Director of the Funds and Programmes Division, (or by his delegate). The Presidency periods will last each one calendar year until the end of the INTERREG VI – A Italia-Malta programme.
- II. The President-in-Office:
 - coordinates the meetings of the MC;
 - establish provisional and final agendas;
 - fulfils its obligations during meetings (e.g. declares the opening and closing of each sitting, verifies that the quorum of those present for the conduct of meetings has been reached, moderates the debate, gives the floor, announces decisions, ensures that items on the agenda are discussed).
 - in exceptional and justified cases, it may order the urgent convocation of the MC, provided that each member becomes aware of it at least one week before the meeting.
- III. By virtue of these Terms of Reference, the President checks the regularity of the proceedings and assumes responsibility for the proper functioning of the MC.
- IV. The President may suspend debates in duly justified cases.
- V. The decision of the President shall be decisive in any dispute concerning the interpretation of these Terms of Reference.

Art. 6 – Secretariat of the MC

- I. The secretariat functions of the MC will be carried out by the Joint Secretariat (hereinafter JS).
- II. JS responsibilities include:

- a) preparation of written documentation useful for the organization and conduct of meetings,
- b) drafting of meeting minutes;
- c) response to requests for information on the activities of the MC made by the members of the Committee, both in electronic and paper format.

Art. 7 - Meetings

- I. The MC meets at least once a year and in addition, upon written and motivated request of the MA and/or of only one effective member of the MC to the President-in-Office.
- II. The meetings of the MC are not public and have a confidential character. Meetings can be organized in presence and/or via videoconference if explicitly requested.
- III. The President-in-Office shall convene the meeting, with the support of the JS, by e-mail at least fifteen (15) calendar days before the scheduled date of the meeting. In the convocation it indicates the proposed agenda, the date, the place of meeting, the estimated time of start and end of the work. The President-in-Office may propose that new items be included on the agenda at the opening of the sitting, if circumstances so require.

After notification of the agenda, the members have five working days to propose the inclusion of new items to be included under the heading "*any other business*", by request to be sent to the Secretariat.

- IV. The documents relating to the agenda must be sent by e-mail to the members of the MC no later than ten (10) calendar days before the scheduled date of the meeting. Documentation relating to any new topics proposed by the members of the MC or to exceptional situations assessed by the President may be sent no later than five (5) working days before the meeting.

Art. 8 - Language arrangements

- I. The official languages of the MC are Italian and English.
- II. In order to ensure the efficiency of communications, simultaneous translation of English and Italian will be guaranteed upon request. The simultaneous interpreting service will be financed from technical assistance funds.

Art. 9 - Minutes

- I. At the end of the meeting of the MC, the JS will provide a written summary of the decisions taken by the MC which will be delivered to all participants and which will be published on the reference sites of the programme;
- II. Within fifteen (15) calendar days following the date of the meeting of the MC, the JS will send by e-mail to all members of the MC the minutes of the meeting drawn up in Italian and English, including the written summary of the decisions adopted and the opinions of the members with advisory function as well as the list of participants;
- III. The minutes will be considered approved if, within ten (10) calendar days following the date of transmission of the minutes, no member of the MC has raised written observations. After this deadline, the MA will send the minutes in the approved version.

Art. 10 - Written consultation procedure

- I. At any time, at the request of any voting member of the MC or if the President-in-Office deems it necessary, the MC may adopt the decisions by written procedure. The MC may decide by written procedure initiated by the MA through the JS. The members of the Programme may express their position in writing by e-mail, no later than fifteen(15) calendar days following the date of receipt of the communication from the MA. If no comments are received, it will be assumed that the members are in favour of the proposal. After the fifteen-day period, the written procedure will be closed by the MA through the JS, also taking into account any comments received.
- II. In cases deemed particularly urgent, on the proposal of the MA, the written procedure may be closed, within seven (7) working days following the date of receipt, also taking into account any comments received. If no comments are received, it will be assumed that the members are in favour of the proposal.

Art. 11 - Impartiality

- I. In relation to the tasks of the MC established by art. 3 of these Terms of References, it must be guaranteed that any evaluation and / or decision of the MC is free from prejudice and is not influenced by the interests of any member of the Committee itself. The members of the MC must avoid any conflict of interest, actual or potential. Members with voting rights are therefore required to sign a non-conflict of interest declaration before each meeting. Furthermore, they may not deal with matters of which they are directly or indirectly concerned. Discussions and voting shall take place without the presence of Committee members who have declared a personal interest in these matters.
- II. Each member undertakes, from the moment he has become aware of it and as soon as possible, to inform the president of the MC of any conflict of interest, real or potential, in which he may be directly or indirectly involved. Upon the realisation of potential conflict of interest, the member(s) concerned undertakes to:
 - refrain from participating in discussions and votes concerning the allocation of resources, the criteria for selecting operations and, more generally, any topic that could lead to a situation of conflict of interest;
 - not to request or disclose documents relating to the matter in question;

Art. 12 – Steering Committee

- I. Pursuant to Artt. 22 and 28 of the INTERREG Regulation, the MC may set up an Steering Committee (SC) which acts under its responsibility for the selection of operations. The composition of the SC will respect the principle of balanced representation between the competent authorities of the cooperation area as set out in Article 29(1) of the INTERREG Regulation.
- II. The SC has its own terms of reference that prevent any situation of conflict of interest when selecting operations and shall include provisions regarding voting rights, the functioning mechanisms and rules for attending the meetings.
- III. The terms of reference of the SC is approved by the Monitoring Committee.

Art. 13 – Joint Secretariat

- I. The secretariat of the MC will be provided by the JS in line with Article 46 of the Interreg Regulation.

- II. With regard to assistance to the MC, the JS performs the following tasks:
- preparation of documentation useful for the organization and conduct of meetings;
 - organizes the meetings of the MC (communication, information, contacts with the participants, sending and distribution of documents, the minutes and any other summary reports of the meetings and the summary of the decisions taken, etc ..);
 - assists the President of the MC in his/her functions.

Art. 14 – Working groups

- I. The MC may set up sectoral and thematic working groups as a tool for exploring specific issues. The working groups carry out their activities on the specific mandate of the MC, according to the operating methods established by the same. The results of the working group are then reported to the MC for approval, where necessary.

Art. 15 – Approval and amendments

- I. Current Terms of Reference are approved by the MC at its first meeting by consensus. The provisions of these Terms of Reference are effective for the period of validity of the Programme.
- II. Current Terms of Reference may be amended upon written request made to the President on duty by an effective member of the MC. The proposed amendment can be approved during the first occurring meeting of the MC or also by written consultation procedure.

Art. 16 – Transparency and communication

- I. As per Article 28 para 4 of the Interreg Regulation and in accordance with programme communication strategy, the MC shall ensure adequate information on its work. To this end, the JS, on the recommendation of the President of the MC, will publish the summary of the decisions taken by the MC;
- II. The communication officer referred to in Article 48 of the CPR Regulation informs the Monitoring Committee regularly about the information and advertising activities carried out;
- III. The MA pursuant to Art. 38 paragraph 4 of the CP Regulation publishes the internal regulations of the MC on the programme website;
- IV. The MA pursuant to Art. 29 paragraph 2 of the INTERREG Regulation publishes on the programme website the MC members list.

Art. 17 - Final provisions

- I. These Regulations are drawn up in Italian and English and are valid until the date of conclusion of the INTERREG VI – A Italia-Malta programme in line with Art. 15.
- II. Anything not expressly provided for in these Terms of Reference is governed by Commission Implementing Decision C(2022) 9624 final of 13.12.2022 approving the cooperation programme "(Interreg VI-A) Italia-Malta", as well as by the provisions of the CPR – Reg. (UE) 2021/1060 - and the INTERREG Regulation (UE) 2021/1059.