

Interreg



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Italia - Malta

European Territorial Cooperation

Cooperation Programme Interreg V-A Italia - Malta

Monitoring Committee
Terms of reference

Approved by the Monitoring Committee in its first meeting held in Malta on the 11th January 2016

Art. 1 – Establishment

Member States Italy and Malta, in agreement with the Sicilian Region – Managing Authority of the Programme – following consultations with the Authorities participating in the Programme and in conformity with

- The European Commission executive Decision C(2014) 3898 of 16.06.2014, setting up the list of regions and areas eligible for funding from the European Regional Development Fund under the cross-border and transnational components of the European territorial cooperation goal for the period 2014 to 2020;
- The European Commission executive Decision C(2014) 3776 of 16.06.2014, setting up the list of cooperation programmes and indicating the global amount of total support from the European Regional Development Fund for each programme under the European territorial cooperation goal for the period 2014 to 2020;
- Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 The Regulation (EU) n. 1299/2013 of the European Parliament and the Council of 17.12.2013 which establishes the modalities to sustain the European Fund for Regional Development with the objective of “European Territorial Cooperation”;
- The Regulation (EU) n. 1299/2013 of the European Parliament and the Council of 17.12.2013 which defines the modalities to sustain the European Regional Development Fund with the objective of “European Territorial Cooperation”;
- The Regulation (EU) n. 1301/2013 of the European Parliament and the Council of the 17.12.2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006;
- The Commission Delegated Regulation (EU) No 240/2014 of 07.01.2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds;
- The Commission delegated Regulation (EU) n. 481/2014 of 04.03.2014 supplementing the Regulation (EU) n.1299/2013 of the European Parliament and the Council with regard to specific rules on eligibility of expenditure for cooperation programmes;
- The Commission executive Regulation (EU) n. 288/2014 of 25.02.2014 approving the model for preparing and presenting to the Commission the programmes regarding the objective ETC;
- The Decision CE C(2015) C(2015)7046 of the 12.10.2015, which adopts the “Cross-border cooperation Programme Italia-Malta 2014-2020” for the programming period 2014-2020 to sustain the European Regional Development Fund with regard to the objective “European Territorial Cooperation”;

have decided to set up, in the field of the programming period 2014-2020 of the European Structural and Investment Funds (ESIF), a Monitoring Committee (hereinafter referred to as “MC”) in charge for the implementation of the Cooperation Programme Interreg V-A Italia – Malta. In line with the above regulatory framework, the mandate of the MC and its rules of procedure are hereinafter laid down

Art. 2 – Members

- I. As defined in the Section 5.3 “summary description of the management and control systems” of the Cooperation Programme INTERREG V-A Italia-Malta, the Monitoring Committee is made up of an equal number of Italian and Maltese members with voting rights, as hereunder listed:

The following Italian Authorities shall designate their respective members and their alternates

1. a representative of the Presidency of the council of Ministers - Department for cohesion policy or of the Agency for the territorial cohesion or Agency for cohesion policy according to the topics included in the agenda;
2. a representative of the Ministry of the Economy and Finance – Inspectorate General for financial relations with the European Union (MEF – IGRUE);
3. a regional official of the Authority of the Environment;
4. a regional official of Equal Opportunities Policies;
5. a representative of the Sicilian Region Planning Department-;
6. a representative of the Sicilian Municipalities.

The following Maltese Authorities shall designate the respective members and their alternates

1. a representative of the Ministry for European Affairs and the Implementation of the Electoral Manifesto MEAIM;
2. a representative of the Ministry for Finance;
3. a representative of the Malta Environmental & Planning Authority (MEPA)
4. a representative of the National Commission for the Promotion of Equality (NCPE);
5. a representative of the DG Strategy and Implementation, OPS, MEAIM;
6. a representative of the Ministry for Gozo.

- II. At the meetings of the MC the following Authorities may also participate as observers, without any voting rights:
- o a representative of the European Commission;
 - o a representative of the Certifying Authority;
 - o a representative of the Audit Authority;
 - o the Joint Secretariat;
 - o a representative of the Managing Authority of the respective OP ERDF and EAFRD 2014-2020 Sicily and Malta ;
 - o two representatives, one for each country, of the institutional partnership;
 - o two representatives, of which one from the socio-economic partnership and the other of the third sector, for each Member State.
- III. The Chairman of the Committee may also invite:
- o the reporting officers for the ESF and EFF Programmes that concern the cross-border area;
 - o the independent assessor of the Programme ;
 - o experts depending on any specific themes discussed
- IV. In the event that the members or their alternates from any of the Authorities are unable to attend to a meeting, the said persons, by and not beyond three days preceding that meeting, can communicate in writing with the Chairman of the MC and the JS their views and their proposal relative to the items on the meeting's agenda. The Chairman of the MC shall invariably inform all the other participants of the points of view expressed by the absent member and the entire written submission shall be attached to the minutes of the meeting.
- V. In the event that the member or his alternate are unable to attend a meeting, the member, duly justified, can write a mandate in which he gives his power to a substitute. The mandate allows the representation to one particular

meeting and it must be sent to the MC Chairman and to the Managing Authority at least three days before the meeting;

- VI. The Managing Authority must be informed in writing about any change of representatives of the members of the committee in advance to any meeting.

Art. 3 – Functions

- I. The MC is in charge of checking on the effectiveness and quality of the Programme implementation. According to the provisions of the articles 47, 48, 49 and 110 of the General Regulation n. 1303/2013 and of the article n. 12 of the ETC Regulation n. 1299/2013, it has the following functions:
- a) to examine and approve the methodology and criteria used for selection of operations;
 - b) to select the operations of the Cooperation Programme, eventually setting up a Steering Committee that acts under its responsibility, specifying how the SC intends to carry out its responsibility ;
 - c) to examine and approve the annual and final implementation report, as stipulated in article n. 50 of the Common Provision Regulation n. 1303/2013;
 - d) to examine and approve the communication strategy of the cooperation programme, as well as any amendments made to it, and the progress made on its implementation;
 - e) to examine and approve the evaluation plan set up for the cooperation programme and any amendments made to it and examine the implementation of this plan as well as all evaluations carried out by the programme;
 - f) to examine and approve additional rules with regard to the eligibility of the expenses in the cooperation area (ex. Simplified options like the Flat rate cost) for some expense categories in order to reduce the administrative obligations of the CP beneficiaries;
 - g) to examine and decide on any proposal made by the managing authority in relation to the implementation or any amendment to the cooperation programme;
 - h) to examine any issues that affect the performance of the cooperation programme and decide on measures aimed at solving any significant problems encountered in the implementation of the programme;
 - i) to examine the financial data, the common and the specific indicators of the Programme, including any changes in the values of the result indicators and the improvement of estimated targets, as well as the intermediate targets defined in the performance framework referred to in article n. 21, first paragraph, and, if required the results of the qualitative analysis.
 - j) to examine all the issues that affect the results of the cooperation programme, including the results of the performance review;
 - k) to examine and decide about any actions promoting gender equality, equal opportunities and non-discrimination, as well as accessibility for person with disabilities;
 - l) to examine and decide about any actions promoting sustainable development;
 - m) to present its observations to the Managing Authority with regard to the fulfillment and the evaluation of the Programme, including those relating to the administrative obligations in charge to the beneficiaries
 - n) to establish work-groups defining the composition, the objectives, the tasks and the timing.

Art. 4 – Decision-making process

- I. The MC shall endeavor as far as possible to achieve consensus.
- II. The MC is regularly convened if at least six (6) of the effective components (3 from each Member State), having voting rights, are present at the meeting, even if through the support of Web conferencing tools. The verification of the required quorum is effected by the Chairperson at the start of each meeting and before taking any decisions on the agenda items.

Art.5 – Chairperson

- I. The MC shall be presided alternately, in this order, by General Director pro-tempore of the Regional Planning Department of the Sicilian Region (or by a delegate) and by the Director General of the Funds and Programmes Division, Ministry for European Affairs and Implementation of the Electoral Manifesto (or by a delegate appointed by the Director General). The period of the Chairmanship shall be for one calendar year up to the conclusion of the Operational Programme INTERREG V-A Italy – Malta.
- II. The incumbent chairman:
 - o coordinates the meetings of the MC;
 - o sets the provisional and definitive agenda;
 - o performs his duties during the course of the meetings (e.g. declares the opening and close of business of meetings, verifies the established quorum required for proceeding with the meetings, acts as moderator in the discussions, authorizes the members to speak, announces decisions taken, ensures that the items on the agenda are dealt with).
 - o In exceptional and justified cases, he can immediately convene the Monitoring Committee, whose members must be informed at least one week before the meeting..
- III. By virtue of these Terms of Reference, the Chairperson ensures the regularity of proceedings and assumes responsibility for the proper functioning of the MC.
- IV. The Chair may, in duly justified cases, suspend the debates.
- V. The ruling of the Chair shall determine any disputes in relation to the interpretation of the rules of procedure.

Article 6: Secretariat to the MC

- I. The Secretariat to the MC will be provided by the JS.
- II. Secretariat's responsibilities include:
 - a. The preparation of written documents submitted to MC meetings;
 - b. Keeping the minutes of meetings;
 - c. Any request for information from members and observers in relation to the MC activity shall be addressed to the Secretariat, either in electronic version or as hard copy.

Art. 7 - Meetings

- I. The MC shall meet at least once a year and additionally, based on a written and justified request of the Managing Authority or of one voting member of the MC to the incumbent Chairperson, through a written justified request.
- II. The Meetings of the MC are not open to the public and shall be private and confidential.

- III. The incumbent Chairperson calls the meeting through the support of the JS, normally via electronic mail, asking for a confirmation of receipt of the message, or alternatively, via fax, at least fifteen (15) calendar days prior to the date fixed for the meeting. In calling the meeting he/she will include the proposed agenda, the date, the venue, the estimated starting and closing times. The incumbent Chairperson can propose to include new items on the agenda even at the start of the meeting, if circumstances so warrant.

Following the circulation of the agenda, Members shall be allowed five (5) working days to notify the Secretariat with any proposed new items to be included under "Other Business".

- IV. The supporting documentation relating to the MC shall be sent to all Members at least ten (10) calendar days prior to the date of the meeting. Any supporting document related to any new item proposed by MC Members for inclusion on the agenda or, in exceptional circumstances, as deemed by the Chairperson, shall be circulated at least five (5) working days prior to the date of the meeting.
- V. Decisions taken by the MC will be published.

Art. 8 – Languages to be used

- I. The official languages of the MC are Italian and English;
- II. In order to guarantee communication efficacy, the simultaneous translation of Italian and English will be arranged by specific request. Simultaneous interpretation services will be financed through the technical assistance funds.

Art. 9 - Minutes

- I. At the end of the MC meeting, the JS will furnish the participants with a summary containing decisions adopted by the MC, which will be distributed to the participants and published on the web sites of the programme;
- II. Within ten (10) calendar days following the date of the meeting, the JS shall send, normally via electronic mail, asking for a confirmation of receipt of the message, or alternatively, via fax, to all members of the MC the draft minutes of the meeting in both the Italian and English languages, including the decisions adopted contained in the summary, the members' opinions and the participants list.
- III. The Minutes will be taken as approved if, within ten (10) calendar days subsequent to the date of transmission of the Minutes. no member of the MC would have raised any written observations/remarks. At the end of this period the MA will send the approved minutes.

Art. 10 – Written Consultation Procedure

- I. At any time, at the request of any voting member of the MC or if the incumbent Chairperson deems it necessary, the MC may adopt decisions by written procedure. The MC may take decisions by means of written procedure sent to the MA through the JS. The members of the MC can express their opinions in writing, even via e-mail or fax, within but not later than fifteen (15) calendar days following the receipt of the

communication sent by the MA. The written procedure will be closed fifteen calendar days after the date of circulation taking into account also observations received.

- II. In cases considered to be particularly urgent, on the suggestion of the MA, the written procedure may be closed, after the end of seven (7) working days from the date of receipt taking into account also any observations received.
- III. If no comments are received, the Secretariat will assume that the Members are in favour of the proposal.
- IV. The Secretariat, under the direction of the Chairperson, shall communicate to the Members the outcome of the decision taken through written procedure.
- V. The Secretariat shall inform the MC Members on the outcome of the decision taken through written procedure in the subsequent MC, for information purposes

Art. 11 - Impartiality

- I. With regard to the functions of the MC established by art. 4 of these Terms of Reference, it must be ascertained that any appraisal and/or decision of the MC will be devoid of prejudices and will not be influenced in any manner whatsoever by personal interest on the part of any member of the said Committee. The MC members have to avoid any conflict of interest, real or potential. The members having voting rights have to sign a waiver of responsibility at the moment of their appointment. Moreover, they cannot debate issues they are directly or indirectly involved with. The members, who declare a personal interest in an item on the agenda, cannot be present in the related debate and vote.
- II. Each member must make sure that, at the moment he/she becomes aware and as soon as possible, he/she informs the Chairperson of the MC about any conflict of interest, whether real or potential, in whom he/she could be involved, directly or not. Once the conflict is confirmed, the involved member must:
 - a) abstain from discussions and votes concerning the allocation of resources, the selection criteria of operations and, in general, every subject which could lead to a conflict of interest;
 - b) not to request or divulge documents regarding the subject in question;
 - c) should resign from his/her role if requested by the Chairperson.

Art. 12 – Steering Committee

- I. In accordance with Art. 12 of the Regulations (EU) 1299/2013 and art. 5.3 of the CP Interreg V-A Italia-Malta, the Monitoring Committee may set up a Steering committee that acts under its responsibility for the selection of operations. The composition of the Steering Committee will respect the partnership principle as stated in Art. 5 and 8 of the Regulation (UE) N. 1303/2013.
- II. The Steering Committee has its own terms of reference, approved by the MC, which establishes its mode of operation.

Art. 13 – Joint Secretariat

- I. The JS supports the MA, the MC and the Certifying Authority and the MNCA in the performance of their tasks;
- II. With regards to assistance to MC, the JS assumes the following duties:

- the preparation of all documentation useful in the organization and proceedings of meetings;
- the organization and proceedings of the MC (communications, information, contacts with participants, dispatch and distribution of documents, brief reports of meetings and summaries of decisions taken etc.).
- assists the Chairperson in his/her functions

Art. 14 – Working groups

- I. The MC can create sectorial and thematic working-groups, as a tool for in-depth analysis. The working groups operate on a specific mandate of the MC, according to the procedures established by the MC. The final results of their activities are reported to the MC in order to be approved, if necessary.

Art. 15 – Amendments and approval

- I. These Terms of Reference have been approved by consensus, by the MC on the occasion of its first meeting. The provisions of these Terms of Reference shall be effective for the duration of the validity of the Programme.
- II. These Terms of Reference may be amended on the written request, formulated by any one of the effective members of the MC to the incumbent Chairperson, of. A proposed amendment shall be approved during the first opportune meeting of the MC or even by means of a written consultation procedure.

Art. 16 - Final Provisions

- I. These Terms of Reference are drafted in Italian and English and they will remain effective until the closure of the CP INTERREG V – A Italia-Malta, in line with the provisions of the Art. 15.
- II. Anything that has not been considered by these Terms of Reference will be regulated by the European Commission Decision C(2015)7046 of the 12.10.2015, that approves the cooperation programme Interreg V-A Italia-Malta, and by the provisions of the General Regulation 1303/2013 and the CTE Regulation 1299/2013.

Malta, 11/01/2016