

# **Rules of Procedure to support the work of the monitoring committee**

## **ERDF Co-Funded Northern & Western Regional Programme 2021-2027**



Rialtas na hÉireann  
Government of Ireland



Cómhaoinithe ag an  
Aontas Eorpach  
Co-funded by the  
European Union



Northern & Western  
Regional Assembly

## Version log

Version	Changes	Date	Status	Summary
1.0	1 <sup>st</sup> draft	05/04/22	Draft	Presented to shadow Monitoring Committee 07/04/22
1.1	Status update	07/04/22	Approved on an interim basis	Approved by shadow Monitoring Committee 07/04/22  The Rules of Procedure are to be presented for formal adoption by the Monitoring Committee on its establishment following the approval by the Commission of the Regional Programme.
1.2	Proposed amendments	3/01/23	For adoption at the first meeting of the Monitoring Committee	Section 2. Footnote added clarifying that the role of the Monitoring Committee in examining programme implementation includes the horizontal principles.  Section 2. Two additional bullet points to provide for extending the role of the Monitoring Committee to monitor and close the 2014- 2020 Regional Programme (on agreement) and to allow for the Committee to make recommendations to the managing authority, including on measures to reduce the administrative burden for beneficiaries.  Section 8. Text added to provide for online, in-person or hybrid meetings.  Section 12. Text added to provide for reduced notice period exceptionally and for urgent reasons for decisions by written procedure.  Sections 14 and 15 added to outline the committee members responsibilities regarding conflict of interest and the application of the principle of transparency

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## 1) Introduction

The establishment, composition and functions of the Monitoring Committee for the Regional Programme is provided for in Articles 38, 39 and 40 of the 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 (the Common Provisions Regulation).

In accordance with these, each Monitoring Committee should draw up and adopt its Rules of Procedure within the institutional, legal and financial framework of the Member State concerned.

## 2) Functions of the Monitoring Committee

The functions of the Monitoring Committee for the 2021-2027 programming period are provided for in Article 40 of the Common Provisions Regulations.

### **The monitoring committee shall examine:**

- the progress in programme implementation<sup>1</sup> and in achieving the milestones and targets;
- any issues that affect the performance of the programme and the measures taken to address those issues;
- the contribution of the programme to tackling the challenges identified in the relevant country-specific recommendations that are linked to the implementation of the programme;
- the elements of the ex ante assessment listed in Article 58(3) and the strategy document referred to in Article 59(1);
- the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- the implementation of communication and visibility actions;
- the progress in implementing operations of strategic importance, where relevant;
- the fulfilment of enabling conditions and their application throughout the programming period;

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<sup>1</sup> This includes application of the horizontal principles

- the progress in administrative capacity building for public institutions, partners and beneficiaries, where relevant.

**The monitoring committee shall approve:**

- the methodology and criteria used for the selection of operations, including any changes thereto, without prejudice to points (b), (c) and (d) of Article 33(3); at the request of the Commission, the methodology and criteria used for the selection of operations, including any changes thereto, shall be submitted to the Commission at least 15 working days prior to their submission to the monitoring committee:
- the annual performance reports and the final performance report:
- the evaluation plan and any amendment thereto:
- any proposal by the managing authority for the amendment of a programme including for transfers in accordance with Article 24(5) and Article 26

The monitoring committee may make recommendations to the managing authority, including on measures to reduce the administrative burden for beneficiaries.

The role of the committee may be extended by agreement to include the closure procedure and final Implementation report for the 2014-2020 Border, Midland and Western Regional Operational Programme

The monitoring committee may make recommendations to the managing authority, including on measures to reduce the administrative burden for beneficiaries.

### **3) Membership**

The composition of the Monitoring Committee for the 2021 - 2027 programming period is provided for in Article 39 of the Common Provisions Regulations. It states that Each Member State shall determine the composition of the monitoring committee and shall ensure a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 8(1) through a transparent process.

Non-members of the PMC may be allowed to participate in the work of the monitoring committee in an advisory capacity.

The managing authority shall publish a list of the members of the monitoring committee on the website [www.nwra.ie](http://www.nwra.ie)

Representatives of the Commission shall participate in the work of the monitoring committee in an advisory capacity.

The composition of the Northern and Western Regional Programme Monitoring Committee for the 2021-2027 period is appended to this document.

#### **4) Chair**

The monitoring committee shall be chaired by a representative of the Managing Authority. The Managing Authority's nominated chair shall be the Director of the Northern and Western Regional Assembly. In the event of the nominated Chair being unable to attend for all or part of a Monitoring Committee meeting, he/she may delegate his/her responsibility to another member of the staff of the Northern and Western Regional Assembly or to another member of the Monitoring Committee.

#### **5) Secretary**

The Secretary to the Monitoring Committee shall be a representative of the Managing Authority and shall be appointed by the Chair. Support services shall be provided by the staff of the Managing Authority as required.

#### **6) Communications**

All communications relating to the business of the Committee shall be addressed to the Secretary to the Monitoring Committee.

#### **7) Meetings**

The Committee shall meet at least once a year to monitor the annual progress of the Northern and Western Regional Programme and other items under its remit. All meetings shall be called by the Chair and notified by the Secretary. Where decisions are required to be made between meetings, the Managing Authority, with the approval of the Monitoring Committee Chairperson may convene additional meetings; or request that the decision be made by means of a written procedure.

#### **8) Place of Meeting**

The place of the meeting shall be decided by the Chair and notified by the Secretary and can be held as (1) a physical in person meeting, or (2) an online meeting or (3) a hybrid meeting - a combination of (1) and (2).

## **9) Notice of Meeting**

At least twenty-one days' notice of a meeting shall be given by the Secretary. Every notice shall specify the date, time and place of the meeting and the business to be transacted. Notice shall be in writing via e-mail.

Exceptionally and for urgent reasons, the Chair may reduce the period of notice and may authorise notice to be given by telephone, subject to confirmation in writing.

## **10) Agenda**

All business to be transacted shall be specified in the draft Agenda, which shall be circulated with the notice of the meeting. The draft Agenda shall be prepared by the Secretary and authorised by the Chair. Any member may propose an item for inclusion on the draft Agenda with the approval of the Chair.

At the commencement of business, the Committee shall approve its Agenda. Other items may be considered under "Any other business" at the request of the Chair, or any member. After consideration by the Committee, any such proposal by a member shall be subject to the Chair's ruling as to its admissibility at that meeting. The decision of the Chair shall be final.

## **11) Documents**

Documents relating to the business of the meeting will be supplied by Implementing Departments and Bodies at the request of the Managing Authority. Implementing Departments and Bodies to whom such a request is directed will be responsible for ensuring that all documents relating to the business of the Committee shall be given to the Secretary in sufficient time to enable the Secretary to circulate them to the members with the notice of the meeting. Documents shall normally be circulated in sufficient time so that they will be received by members at least fourteen days in advance of a meeting. Except in exceptional circumstances determined by the Chair and with the prior agreement of the Committee, documents shall not be introduced at a meeting.

The Secretary shall report to the Monitoring Committee all failures by an Implementing Department or Body to supply documentation in time for a meeting. Any Implementing Department or Body which is the subject of such a report for failure to supply documentation shall furnish an explanation to the Committee. In accordance with paragraph 12, the Committee will consider what action to take, including, in the event of persistent failure by an Implementing Department or Body, whether to re-allocate funding away from measure(s) for which that Department or Body is responsible.

Documents shall be treated as confidential until the conclusion of the meeting to which they relate.

## **12) Decisions**

The Monitoring Committee will monitor progress and make decisions in accordance with their functions set out in Section 2. In principle, where the Monitoring Committee makes a decision approving a proposed programme amendment to reallocate ERDF from one set of supported actions to another, the corresponding matching national contribution as provided for in the National Development Plan will also be re-allocated with the ERDF.

Each member of the Monitoring Committee shall have a vote. The Committee shall normally reach its decisions by consensus. In the event of the Committee being unable to arrive at a consensus in respect of any matter, the matter may be put to a vote. This will be at the discretion of the Chair. Any decision put to a vote will require the support of at least a two-thirds majority of votes cast to be approved.

The Committee can also reach decisions by way of written procedure to all members of the Monitoring Committee. Exceptionally and for urgent reasons, the Chair may reduce the period of notice for decisions by written procedure.

## **13) Minutes**

The Secretary shall ensure that minutes are kept of all meetings. The minutes shall record the business discussed and the decisions of the Committee. The minutes shall be circulated by the Secretary in draft to the members present at the meeting for comments within fifteen working days of a meeting. The Secretary may accept amendments of a factual or drafting nature.

The draft minutes of a meeting together with any proposed amendments not accepted by the Secretary, shall be placed on the Agenda for the next meeting for formal approval of the Committee. The minutes as so approved shall be signed by the Chair and Secretary and circulated to all the members.

## **14) Conflict of interest**

The Code of Conduct, attached at Annex 2, sets out the standards of behavior expected of Monitoring Committee members and members of any sub-committees and working groups. The specific requirements regarding confidentiality, conflicts of interest, impartiality and independence are applicable to all members. All members will agree to abide by the Code of Conduct.

## **15) Application of the principle of transparency**

The work of the Committee will not be confidential. Members should have regard to this in their contributions to the work of the Committee.



## **16) Changes to the Rules of Procedure**

The Committee may at any time amend these rules of procedure. Copies of any revised text as amended will be forwarded to the members in writing.

The ruling of the Chair will determine any disputes in relation to interpretation of the Rules of Procedure.

Annex 1 Membership of the Monitoring Committee 2021-27 PMC	Role	
<b>National Authorities</b>		
PO Cohesion Policy, Department of Public Expenditure & Reform	1	<b>Member</b>
AP Cohesion Policy, Department of Public Expenditure & Reform	1	<b>Member</b>
Certifying Authority, Department of Public Expenditure & Reform	1	<b>Member</b>
<b>Managing Authority (NWRA)</b>		
Director, NWRA Regional Assembly	1	<b>Member</b>
Assistant Director, NWRA Regional Assembly, Secretary to the PMC	1	<b>Member</b>
<b>Regional, Local and Urban Interests</b>		
Elected Members of Northern and Western Regional Assembly (2 per NWRA NUTS III region)	4	<b>Member</b>
City and County Managers Association	1	<b>Member</b>
Director, Eastern & Midlands Regional Assembly	1	<b>Member</b>
<b>Intermediate Bodies, Policy Departments, Agencies</b>		
Higher Education Authority	1	<b>Member</b>
Science Foundation Ireland	1	<b>Member</b>
Enterprise Ireland	2	<b>Member</b>
Department of Further and Higher Education, Research, Innovation and Science (SFI Unit, HEA Unit)	2	<b>Member</b>
Department of Enterprise Trade and Employment (EI Unit)	2	<b>Member</b>
Department of Housing, Local Government and Heritage (SUDs)	1	<b>Member</b>
Department of Environment, Climate and Communications (BEWHS Unit)	1	<b>Member</b>
The National Disability Authority	1	<b>Member</b>
<b>Economic and Social Partners, Civil Society Bodies</b>		
Employer Bodies - IBEC	1	<b>Member</b>
Trade Union Bodies - ICTU	1	<b>Member</b>
Voluntary/Non-governmental organisations - The Wheel	1	<b>Member</b>
Irish Human Rights and Equality Commission	1	<b>Member</b>
Irish Environmental Network	1	<b>Member</b>

<b>Other CPR Managing Authorities</b>		
ESF+ (Department of Further and Higher Education, Research, Innovation and Science)	1	Member
EMFAF (Department of Agriculture, Food, and the Marine)	1	Member
PEACE+ (Special EU Programmes Body)	1	Member
Asylum, Migration, and Integration Fund (Department of Children, Equality, Disability, Integration and Youth)	1	Member
Internal Security Fund (Department of Justice)	1	Member
Just Transition Fund (Department of Environment, Climate and Communications)	1	Member
<b>TOTAL</b>	<b>34</b>	
<b>Commission Advisors to the Monitoring Committee</b>		
DG REGIO	3	Advisor
<b>Observers</b>		
Audit Authority ERDF	1	Observer
Sustainable Energy Authority of Ireland	1	Observer
Irish Rural Link	1	Observer
<b>Complementarity Funds</b>		
Department of Agriculture, Food, and the Marine Rural Development Programme	1	Observer
Recovery and Resilience Fund RRF	1	Observer
Brexit Adjustment Reserve BAR	1	Observer
LEADER	1	Observer

## **Annex 2 Code of Conduct for Monitoring Committee Members**

This Code of Conduct sets out the standards of behavior expected of Monitoring Committee members and the specific requirements regarding confidentiality, conflicts of interest, impartiality, and independence applicable to all members. The purpose of the Code is to promote transparency and maintain confidence in the Monitoring Committee and its work and to seek to prevent the development and acceptance of unethical practices. The Code applies equally to the membership of any sub-committees of the Monitoring Committee.

### **Work of the Monitoring Committee**

Members of the Monitoring Committee will familiarise themselves with the legislative basis for the work of the Monitoring Committee and adhere to its agreed Rules of Procedure.

Members will engage actively in pursuit of the goals and will promote the horizontal principles underpinning the Northern and Western Regional Programme 2021- 2027. Members will adhere to the principles of mutual respect, equality, diversity and will engage collaboratively and actively participate in decision making through consensus.

Members will devote sufficient time to familiarise themselves with the ongoing business of the Monitoring Committee and will seek to attend all Monitoring Committee meetings.

### **Conflicts of Interest**

In accordance with the Monitoring Committee's Rules of Procedure, Members are required to declare any personal conflict of interest (beyond the obvious function of their nominating organisation) that they may have in a particular agenda item before discussion of the item begins. Any Member declaring an interest may be asked to withdraw from the meeting for the duration of that discussion and/or otherwise asked not to participate in that item of business. A conflict of interest may be actual, potential, or perceived and arises where a member participates in decision making knowing that it will improperly further their personal interests or those with whom they have personal, family or other ties, directly or indirectly. A conflict of interest does not exist where the Member or other person benefits only as a member of the public or a broad class of persons.

Members will act with integrity in pursuit of the Regional Programme's objectives and will not at any time engage in, or be connected with, any activity that would in any way compromise their work as Members of the Monitoring Committee or engage in behaviour detrimental to the reputation of the Regional Programme or the ERDF.

Members will act independently and impartially in their work on the Monitoring Committee.



## **Confidentiality**

While the work of the Monitoring Committee is not confidential and the papers relating to the work of the Committee are published following Monitoring Committee meetings, on [www.nwra.ie](http://www.nwra.ie)

Members will respect and not disclose any confidential information that they may receive in the course of their work on the Monitoring Committee. Members will familiarise themselves with their obligations under the Data Protection Acts of 1988 to 2018 and the Freedom of Information Act, 2014.

## **Membership**

Any Member who can no longer serve on the Monitoring Committee at any time during the lifetime of the Northern and Western Regional Programme will inform the Secretary in writing and provide the identity of their replacement, if available.

As a Member of the Monitoring Committee, I have read this Code of Conduct and agree to abide by its contents.

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Organisation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

