



**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine

EMFAF Monitoring Committee
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Horizontal Enabling Conditions

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Overview

- ❑ Preconditions of Funding
- ❑ “Shall be taken into account throughout the preparation and implementation of the programme”
- ❑ In the case of non-fulfilment, Member States will not be able to send payment claims to the Commission for EU-funded projects related to unfulfilled preconditions

Horizontal Enabling Conditions

- Effective monitoring mechanisms of the public procurement market
- Tools and capacity for effective application of State aid rules
- Effective application and implementation of the Charter of Fundamental Rights
- Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD) in accordance with Council Decision 2010/48/EC1
- Each have fulfilment criteria

Context

- ❑ Horizontal Principles (Article 9, CPR) – “Ensure respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union in the implementation of the Funds”, gender equality and prevention of discrimination.
- ❑ Public Sector Duty (Section 42, Irish Human Rights and Equality Act 2014)

Guidance

- ❑ IHREC worked jointly with the Managing Authorities to agree a guidance for Intermediate Bodies and Beneficiary Bodies, if appropriate, on their compliance with the enabling conditions and Horizontal Principles
- ❑ Guidance aims to provide practical support to advance equality and human rights in the planning , implementing, monitoring, reporting and evaluation of funded initiatives, in compliance with the relevant EU regulations
- ❑ Available at <http://eufunds.ie/regulations> guidance
- ❑ Training: IHREC eLearning module, Equality and Human Rights in the Public Service

Non- Compliance with Charter

- MA will establish the facts in cases of complaints
- Potential breaches will be reported to IHREC
- IHREC will investigate and reports on finding to Monitoring Committee

Reporting

- ❑ Reporting template has been agreed between IHREC and the Managing Authorities to be used in conjunction with guidance
- ❑ Annual reporting by each Intermediary Body or scheme delivery partner will start in early 2024
- ❑ Reports will be reviewed by IHREC as part of their monitoring role
- ❑ IHREC will prepare an annual report for consideration by the Programme Monitoring Committee on compliance with the enabling conditions and Horizontal Principles

Rights of persons with disabilities

- ❑ National Framework: National Disability Inclusion Strategy (NDIS) and The Comprehensive Employment Strategy for People with Disabilities (CESPD)
- ❑ IHREC is the independent monitoring mechanism for UNCRPD in Ireland (work with NDA)
- ❑ MAs will ensure that accessibility policy, legislation and standards will be reflected in all stages through consultation on key documents and active monitoring.
- ❑ Each IB or scheme delivery partner will report annually on disability issues
- ❑ Guidance available – Training will be made available as required
- ❑ Non-compliance, reporting and actions

Questions