



Rialtas na hÉireann
Government of Ireland



Có-mhaoinithe ag an
Aontas Eorpach

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EMFAF Programme 2021-2027

Rules of Procedure to support the work of the monitoring committee

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1. Introduction

The establishment, composition, and main functions of the Monitoring Committee for the Programme are 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.

The rules of procedure of the monitoring committee will be published on the EMFAF programme webpage on eufunds.ie.

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 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 for support from the fund through financial instruments referred to in CPR Article 58(3) and the strategy document for the implementation of financial instruments referred to in CPR 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;
- 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) of the CPR;:
- Approve the final performance report:
- Approve the evaluation plan and any amendment thereto:
- Be consulted on 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 Members of the Monitoring Committee is to assist in ensuring the successful implementation of the EMFAF Programme and its objectives. The time commitment will normally be two days per year to attend Committee meetings with possible further days related to meeting preparation, and approval of documents through written procedures or ad hoc workshops. If unable to attend a particular meeting of the Committee, a member may be represented by an appropriate alternate. A member should advise the secretariat in advance of the name of the alternate attending.

3. Membership

- a) The general principles regarding the composition of the Monitoring Committee for the 2021 - 2027 programming period are 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. These are elaborated in the European Code of Conduct on Partnership (Article 4) and include competent regional, local, urban and other public authorities, economic and social partners, and bodies representing civil society, such as environmental partners, nongovernmental organisations, and bodies responsible for promoting social inclusion, gender equality and non-discrimination.

It is also specifies that Member States shall take into account the involvement of partners that have been involved in the preparation of the programmes and shall aim to promote equality

between men and women and non-discrimination, when formulating membership of the Monitoring Committee.

A further consideration is the provision for cross-representation of Managing Authorities for other Irish EU funds, including cross-border programmes.

In following these principles, the following groups of stakeholders were identified for participation in the Committee:

- Representatives of EU Funds competent authorities
- Implementing Agencies
- Fisheries Representatives
- Aquaculture Representatives
- Processing & Marketing Representatives
- FLAGs representatives
- Economic & Social Partners representatives
- Horizontal Principles

For regional, local, urban and other public authorities, all implementing bodies were included. In addition, Government Departments which had competence in environmental matters and which contributed to the development of the programme were invited.

In terms of economic and social partners, those which participated in the formation of the programme through consultations processes and involvement in the previous EMFF Programme were invited. This included all six fisheries producer organisations and, given the programme emphasis on Small Scale Coastal Fisheries, two additional places would be offered to the National Inshore Fisheries Forum. The main representative groups for aquaculture and processing were also selected, with additional places reserved for FLAG representatives upon their formation. In addition to this, in order to ensure a broader perspective, the main national business representative bodies were invited to participate.

For bodies representing civil society, places were offered for the Environmental Pillar. In order to promote greater gender equality places were also offered to women's representative groups. Also, with a view to ensuring equality and in line with horizontal principles, the Irish Human Rights Equality Commission were included.

The formation of the Monitoring Committee was approved on 6 March 2023 and invites were issued to all parties identified. The composition of the Monitoring Committee is included in Annex 1.

Non-members of the programme Monitoring Committee (PMC) invited by the Managing Authority 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 EMFAF programme website www.eufunds.ie.

When participate at the meetings, representatives of the Commission shall participate in the work of the monitoring committee in an advisory capacity.

The composition of the EMFAF 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 Principal Officer of the Marine Programmes Division.

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 Marine Programmes Division or to another member of the Monitoring Committee.

5. Secretary

The secretariat tasks of the Monitoring Committee will be carried out by the Managing Authority. 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.

The Secretary will ensure the rules of procedure are followed and will be also responsible for ensuring an agenda, minutes together with any necessary papers, are dispatched to members in good time. Meeting papers etc. will be issued in electronic format only. Documents will normally be issued at least 2 weeks before a committee meeting.

The MA will ensure the follow-up of the decisions and recommendations of the MC.

The Secretary will have responsibility for the specific meeting and venue arrangements.

The Secretary will normally communicate with members through email.

All communication relating to the business of the Committee should be addressed to the Secretary using a single mailbox – EMFAF@agriculture.gov.ie.

Any member wishing to communicate with the full membership should do so through the Secretary at EMFAF@agriculture.gov.ie.

6. Communications

All communications relating to the business of the Committee shall be addressed to the Secretary to the Monitoring Committee at EMFAF@agriculture.gov.ie.

7. Meetings

The Monitoring Committee will meet at least once a year, but two meetings per year are normally expected. Additionally, meetings may be arranged as the business of the Committee requires, and in particular in the first year or two of the Programme.

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. Venue 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 which will take place in the National Seafood Centre, Clonakilty, Co. Cork, unless otherwise proposed by the Chair.
2. an online meeting or
3. a hybrid meeting - a combination of (1) and (2)

9. Notice of Meeting

At least four weeks' 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, which shall include fax or 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 ten working days in advance of a meeting.

Documents shall be treated as confidential until the conclusion of the meeting to which they relate. The data and information shared with the monitoring committee shall be published by the secretariat on the EMFAF programme website eufunds.ie.

12. Decisions

The chair may deem a quorum to have been reached when half or more of the membership of the Committee (by number) is present at the beginning of the meeting. The chair will seek to achieve decisions of the Committee on the basis of consensus, but may, if necessary, obtain a decision by majority vote of those present and eligible to vote (excluding non-voting members and those present who are not members of the Monitoring Committee). Each member of the monitoring committee shall have a vote. In the event of a tied vote, the chair will have the casting vote.

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.

At the initiative of the Chair or with the agreement of the Chair, proposals may be submitted to the Committee for action through written procedure.

Members will normally be asked to give their written opinion on any such proposal within 10 working days. Proposals shall be deemed to have been agreed by the Committee in the absence of any written objections within that period.

Where written objections to a proposal are received by the Secretariat from any member within the 10 working days, the secretariat may discuss the objection with the member in order to achieve consensus. A member may withdraw their own written objection to a proposal at any time after submission. Where an objection is not withdrawn, the chair shall determine whether:

- A. the proposal should be amended and re-submitted to the Committee;
- B. the proposal should be withdrawn;
- C. the proposal may be deemed to be approved on the basis of positive responses from a majority of members.

Following the 10-working day period, the Secretary shall advise the Committee of the outcome of the written procedure.

The chair may, with the approval of the Committee, establish sub-committees or working groups for the purpose of aiding the Committee in the performance of its functions. The members of sub-committees or working groups, their responsibilities and tasks shall be decided by the Committee. The Committee shall be kept informed about the work of such groups. The secretariat will provide support as necessary for sub-committees and working groups.

13. Conflict of Interest

Members of the Committee 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 such an interest may be asked by the chair to withdraw from the meeting for the duration of that discussion and/or otherwise asked not to participate in that item of business. If the Chair considers appropriate, any such member may participate in the discussion concerned but may not vote on the issue where a vote is required.

The Code of Conduct, attached at Annex 2, sets out the standards of behaviour 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.

14. 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.

15. 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 one month of a meeting. The Secretary may accept amendments of a factual or drafting nature. A deadline for observations will be specified when minutes are circulated.

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. Adopted minutes of the meetings of the Monitoring Committee shall be published by the secretariat on the EMFAF programme website.

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 EMFAF Programme 2021-2027 Monitoring Committee

Updated – 28/03/2023

	Number
Managing Authority (2)	
EMFAF Managing Authority (DAFM Marine Programmes Division)	2
Other EU Funds Managing Authorities (6)	
ERDF Managing Authority Southern & Eastern Regional Assembly	1
ERDF Managing Authority Eastern & Midlands Regional Assembly	1
Rural Development Programme Managing Authority (DAFM Rural Development Division)	1
European Social Fund Managing Authority (Dept Education & Skills)	1
Just Transition Fund Managing Authority Eastern & Midlands Regional Assembly	1
Department of Public Expenditure NDP Delivery and Reform	1
Horizontal Principles (8)	
LIFE Fund (Department Environment, Climate & Communications)	1
Department of Housing, Heritage & Local Government/ National Parks & Wildlife Service	1
Department of Environment, Climate and Communications	1
Environmental Pillar	2
National Womens Council of Ireland <u>or</u> Womens Network (Mná na Mhara)	1
Irish Human Rights & Equality Commission	1
National Disability Authority	1
Implementing Agencies (7)	
Bord Iascaigh Mhara	3
Marine Institute	2
Sea Fisheries Protection Authority	1
Department of Defence / Naval service	1
Bord Bia	1
Údarás Na Gaeltachta	1
Inland Fisheries Ireland	1
Fisheries Representatives (8)	
Producer Organisations	6
National Inshore Fisheries Forum	2
Aquaculture Representatives (1)	
IFA Aquaculture	1
Processing & Marketing Representatives (2)	
Irish Fish Processors & Exporters Association	1

Enterprise Ireland	1
FLAGS (2)	2
Economic & Social Partners (max 5) – subject to acceptances	
IBEC	1
Marine Research Academics to be identified	2
Non-voting Members (4)	
DG Mare – ex-officio	2
EMFAF Accounting Function (DAFM Finance Unit)	1
EMFAF Audit Authority (DAFM Internal Audit Unit)	1

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 subcommittees 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 EMFAF 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 EMFAF 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 EMFAF Programme or the EMFAF.

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.eufunds.ie

The following must be noted.

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 EMFAF 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: _____



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