

European Social Fund Plus

Employment, Inclusion, Skills and Training (EIST) Programme
2021- 2027

Monitoring Committee
Rules of Procedure



Rialtas na hÉireann
Government of Ireland



Arna chomhchistiú ag
an Aontas Eorpach

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For the 2021-2027 period, the ESF has been merged with the Youth Employment Initiative (YEI), the Fund for European Aid to the most Deprived (FEAD) and the directly managed Employment and Social Innovation (EaSI) Programme, to become the ESF+

Version Log

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Glossary of Terms

Accounting Function (formerly Certifying Authority) is responsible for the functions set out in Article 76, CPR 2021/1060.

Beneficiary refers to the body responsible for the implementation of an operation within an action, which includes the provision of relevant financial and indicator data to the relevant IB or, where there is no IB for that activity, to the MA. Examples of beneficiaries include the Education and Training Boards (ETBs), Higher Education Institutions (HEIs) and the Irish Youth Justice Service.

Common Provisions Regulation (CPR) means the [Common Provisions Regulation \(EU\) 1060/2021](#), which sets out a range of requirements relating to the implementation of Programmes under a number of European Funds, including the ESF+.

EIST (Employment, Inclusion, Skills and Training) is the name for the ESF+ Programme in Ireland for the 2021-2027 period, through which ESF+ Co-Financing will be disbursed. The EIST 2021-27 Programme supports the fourth policy objective of the CPR – “a more social and inclusive Europe implementing the European Pillar of Social Rights”.

ESF+ refers to the European Social Fund Plus. The ESF+ brings together four funding instruments that were separate in the programming period 2014-20: the European Social Fund (ESF), the Fund for European Aid to the most Deprived (FEAD) the Youth Employment Initiative and the European Programme for Employment and Social Innovation (EaSI).

ESF+ Regulation means the [European Social Fund Regulation \(EU\) 1057/2021](#), which sets out requirements specific to the implementation of the ESF+ EIST 2021-27 Programme.

European Structural and Investment Funds (ESIFs) are the five funds, European Regional Development Fund (ERDF); European Social Fund Plus (ESF+); Cohesion Fund; European Agricultural Fund for Rural Development (EAFRD); and European Maritime and Fisheries Fund (EMFF).

Intermediate Body (IB) refers to a body to which the Managing Authority has delegated certain functions, and which is responsible for activities under its aegis. IBs will receive declarations from their beneficiaries, and will be responsible for conducting appropriate management verifications on those declarations before submitting them onwards to the Managing Authority.

There are currently four IBs under the EIST 2021-27 Programme:

- (i) SOLAS;
- (ii) Department of Social Protection (DSP);
- (iii) Department of Justice (DoJ);
- (iv) Department of Rural and Community Development (DRCD).

ESF+ Managing Authority (ESF+MA) means the body with overall responsibility for the implementation of an ESF+ Programme, the functions of which are set out in Article 49 of the CPR. The ESF+MA is located within the ESF and EGF Policy and Operations Unit of the Department of Further and Higher Education Research Innovation and Science (DFHERIS).

Programme refers to a detailed plan, submitted by an EU Member State and approved by the European Commission, which sets out how an EU Member State proposes, over a given period to use resources provided by ESF+ 2021-2027. Replaces term ‘Operational Programme (OP)’ used under ESF 2014-2020.

Monitoring Committee (MC), the purpose of the MC is to support the implementation, monitoring, communication and evaluation of the EIST 2021-27 programme as indicated in Article 40 of the CPR (Reg. No 2021/1060).

1. Introduction

Articles 38 to 40 of the Common Provisions Regulation (EU) 2021/1060 (CPR) provides for the establishment, composition and functions of the Monitoring Committee (MC). These Rules of Procedure have been drawn up and adopted by the MC within the Irish institutional, legal and financial framework in accordance with the regulatory requirements.

2. Membership

The composition of the MC is provided for in Article 39 of the CPR. Article 39 states that each Member State shall determine the composition of the MC 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) of the CPR as follows:

- a) competent **regional, local, urban and other public authorities**
- b) **economic and social partners** and
- c) relevant bodies representing **civil society**, such as environmental partners, nongovernmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination,
- d) **research organisations and universities**, where appropriate

A further consideration is the provision for cross-representation of Managing Authorities for other Irish ESIFs, including cross-border programmes. The European Commission participates in the work of the MC in an advisory capacity. The membership comprises Full Members and Members Serving in an Advisory Capacity and details are appended to this document in Appendix 1. Full members can participate in decision making, while those serving in an advisory capacity offer advice to the Committee.

Where a member's nominee cannot attend a MC, an alternate may participate and act as a full or advisory member. All changes in members' nominees shall be notified in writing to the Secretary.

In addition to the members, other officials from the implementing Departments, the European Commission or other bodies may attend and address the Committee at the discretion of the Chair when specific items on the agenda require their presence.

The term of office of the MC shall be the lifetime of the EIST 2021-27 Programme.

3. Role/Functions of the Monitoring Committee

The role of the MC is to monitor the implementation and performance of the EIST 2021-27 Programme. It oversees the work of the ESF+ Managing Authority (ESF+MA). Its specific functions are set out in the CPR (EU) 2021/1060 as follows:

Category	Regulatory Reference	Functions
Programme Performance	Art 40(1)(a)	To examine the progress in programme implementation ¹ and in achieving the milestones and targets;

¹ Including the application of the horizontal principles

	Art 40(1)(b)	To examine any issues that affect the performance of the programme and the measures taken to address those issues;
	Art 40 (2)(b)	To approve the annual performance reports for programmes supported by the AMIF, the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+, the Cohesion Fund, the JTF and the EMFAF.
Programme Amendment	Art 40(2)(d)	To approve any proposal by the managing authority for the amendment of a programme including for transfers in accordance with Article 24(5) and Article 26, with the exception of programmes supported by the EMFAF.
Programme Implementation	Art 40(1)(c)	To examine 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;
	Art 40(1)(g)	To examine the progress in implementing operations of strategic importance, where relevant;
	Art 40(1)(i)	To examine the progress in administrative capacity building for public institutions, partners and beneficiaries, where relevant.
	Art 40 (3)	Make recommendations to the managing authority, including on measures to reduce the administrative burden for beneficiaries.
Selection of Operations	Art 40(2)(a)	To 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.
Evaluation	Art 40 (1)(e)	To examine the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
	Art 40 (2)(c)	To approve the evaluation plan and any amendment thereto;
Communication	Art 40 (1)(f)	To examine the implementation of communication and visibility actions;
Enabling Conditions	Art 40 (1)(h)	To examine the fulfilment of enabling conditions and their application throughout the programming period;

	Annex III	To examine non-compliance of operations supported by the Funds with the Charter of Fundamental Rights and with the United Nations Convention on the rights of persons with disabilities (UNCRPD) and complaints regarding the Charter/UNCRDP;
Ex-ante Assessment	Art 40(1)(d)	To examine the elements of the ex ante assessment listed in Article 58(3) and the strategy document referred to in Article 59(1);
InvestEU	Art 40(1) (j)	To examine information regarding the implementation of the contribution of the programme to the InvestEU Programme in accordance with Article 14 or of the resources transferred in accordance with Article 26, where applicable.

4. Chair

The ESF+ MA shall provide the Chair of the Monitoring Committee. 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 Committee from the ESF+ MA. The Chair may take a vote on any matter being considered by the Committee.

5. Secretary

The Secretary to the Monitoring Committee shall be appointed by the Chair and shall be a representative from the ESF+ MA. Support services shall be provided by the ESF+ MA as required. The Secretary is responsible for the specific meeting and venue arrangements and for ensuring that an agenda, minutes, and any other necessary papers, are dispatched to members in accordance with these Rules.

6. Communications

All communications relating to the business of the Committee shall be addressed to the Secretary of the MC by email to esf@dfheris.gov.ie.

7. Meetings

While Article 38 of the CPR requires the MC to meet at least annually, the MC will normally meet twice per year to monitor progress of the Programme. It may meet more frequently at the initiative of the Chair to consider extraordinary items of business. All meetings shall be called by the Chair and notified by the Secretary. Where decisions are required to be made between meetings, the ESF+ MA, with the approval of the Chair of the MC 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. Meetings can be held as (1) a physical meeting, or (2) an online meeting or (3) a hybrid meeting – a combination of (1) and (2).

9. Notice of Meeting

At least 21 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, in the form of a draft

Agenda. Notice shall be in writing by email. Exceptionally, and for urgent reasons, the Chair may reduce the period of notice and/or 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 Monitoring 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 Monitoring 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 shall be supplied by Intermediate Bodies and Beneficiaries at the request of, and by the deadline set by, the ESF+ MA. Intermediate Bodies and Beneficiaries to whom such a request for documents, material or data is directed will be responsible for ensuring that these shall be given to the Secretary, by the deadline set at the time of the request, to enable the Secretary to circulate meeting documents to members with the notice of the meeting. Documents shall normally be circulated by the Secretary two weeks in advance of a meeting. Except with the prior agreement of the Committee or in exceptional circumstances determined by the Chair, documents intended for discussion or decision shall not be introduced at a meeting.

The Secretary shall report to the Monitoring Committee all failures by an Intermediate Body or Beneficiary to supply requested material in time for a meeting. Any Intermediate Body or Beneficiary that is the subject of such a report will furnish an explanation to the Monitoring Committee. The Monitoring Committee shall consider what action should be taken. This may, in the event of persistent reporting failure by an Intermediate Body or Beneficiary, include re-allocation of funding away from co-financed activities for which that Body or Beneficiary is responsible.

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

12. Decisions

The Monitoring Committee shall monitor progress of the ESF+ by Priority Axes under the Programme and make decisions relating to the ESF+ allocations. In principle, where the Monitoring Committee makes a decision to reallocate ESF+ assistance from one activity to another, the corresponding matching national contribution will also be reallocated with the ESF+ assistance. The Intermediate Bodies and Beneficiaries concerned will co-operate in a positive way to facilitate such change.

The Monitoring Committee shall normally reach its decisions by consensus. In the event of the Committee being unable to arrive at a consensus on any issue, and at the discretion of the Chair, decisions shall be made on the basis of a majority vote of those present and eligible to vote. Each full member of the Monitoring Committee shall be entitled to vote. In the event of a tied vote, the Chair will have the casting vote.

The Monitoring Committee may also consider matters and take decisions by means of a Written Procedure to all members of the Monitoring Committee. In this instance the ESF+MA will circulate

members of the Committee with a proposal and request the decision of the members to be returned within a fixed time period. 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 from a member within the time period, the ESF+MA may discuss the objection with the member in order to achieve consensus and a member may withdraw their written objection to a proposal. Where an objection is not withdrawn the Chair shall determine whether:

- (a) the proposal should be amended and resubmitted 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.

The Secretary shall advise the Monitoring Committee of the outcome of the written procedure in a timely manner.

13. Sub-committees & Working groups

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 ESF+MA shall provide support as necessary to such sub-committees and working groups.

The ESF+MA also consider any requests put forward by Monitoring Committee members for Technical Assistance support. Such proposals may include, but not be confined to, expert presentations made by guest speakers at MC meetings to aid the work of the Committee. All requests will be considered on a case-by-case basis.

14. 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 form to members present at the meeting for comments within one month of a meeting. The Secretary may accept amendments of a factual or drafting nature.

Adopted minutes of the meetings of the Committee shall be published by the secretariat on the EIST 2021-2027 Programme website: <https://eufunds.ie/european-social-fund/>

The draft minutes of a meeting, highlighting amendments received which it is proposed to accept, 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.

15. Conflicts of interest

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

16. Application of the principle of transparency

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

17. 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 their interpretation of these Rules.

18. Publication of the Rules of Procedure

In accordance with Article 38 of the Common Provisions Regulation, these Rules of Procedure, including the members of the MC, will be published on the dedicated website <https://eufunds.ie/european-social-fund/>.

List of Members for the Monitoring Committee of EIST 2021-27

Body	No. of Members	Capacity
ESIF Managing Authorities		
ESF+ Managing Authority	5	Full Member
ESF+ Accounting Function	1	Advisory
ESF+ Audit Authority	1	Advisory
Managing Authority ERDF Programme (SRA)	1	Full Member
Managing Authority ERDF Programme (NWRA)	1	Full Member
Managing Authority EAFRD	1	Full Member
Managing Authority EMFAF	1	Full Member
Eastern & Midland Regional Assembly	1	Advisory
Managing Authority JTF	1	Full Member
PEACE+ (Special EU Programmes Body)	1	Advisory
Member State Authority for ESIF co-financing		
Department of Public Expenditure and Reform	1	Full Member
European Commission		
DG Employment, Social Affairs and Inclusion	1	Advisory
Regional Authorities		
Elected Member North Western Regional Assembly	1	Full Member
Elected Member Southern Regional Assembly	1	Full Member
Elected Member Eastern & Midland Regional Assembly	1	Full Member
Intermediate Bodies and Beneficiaries		
SOLAS	1	Full Member
HEA	3	Full Member
Skillnet Ireland	1	Full Member
Sport Ireland	1	Advisory
Tusla	1	Advisory
Department of Rural and Community Development	2	Full Member
Department of Social Protection	2	Full Member
Department of Justice	2	Full Member
Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media	1	Full Member
Department of Children, Equality, Disability, Integration & Youth	3	Full Member
Department of Justice	1	Advisory
ETB Representatives	2	Advisory
POBAL	1	Advisory
Economic and Social Partners and Civil Society		
Employer Body - IBEC	1	Full Member
Trade Union Body - ICTU	1	Full Member
INOUE	1	Full Member
Children's Rights Alliance	1	Full Member
National Youth Council of Ireland	1	Full Member
Disability Federation of Ireland	1	Full Member
National Womens' Council	1	Full Member
Aontas	1	Full Member
The Wheel	1	Full Member

Horizontal Principles		
Gender Equality Division, DCEDIY	1	Full Member
Irish Human Rights and Equality Commission	1	Full Member
Department of Communications, Climate Action & Environment	1	Full Member
Department of Social Protection, Social Inclusion	1	Full Member

Code of Conduct for EIST 2021-27 Monitoring Committee (MC) Members

This Code of Conduct sets out the standards of behaviour expected of MC members and the specific requirements regarding confidentiality, conflicts of interest, impartiality and independence applicable to all members. The purpose of the Code is promote transparency and maintain confidence in the PMC 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 MC.

Work of the MC

Members of the MC will familiarise themselves with the legislative basis for the work of the MC 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 EIST 2021-27 Programme. 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 MC and will seek to attend all MC meetings.

Conflicts of Interest

In accordance with the MC'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 general public or a broad class of persons.

Members will act with integrity in pursuit of the EIST'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 MC or engage in behaviour detrimental to the reputation of the EIST 2021-27 Programme or the ESF+.

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

Confidentiality

While the work of the MC is not confidential and the papers relating to the work of the Committee are published following MC meetings on <https://eufunds.ie/european-social-fund/> Members will respect and not disclose any confidential information that they may receive in the course of their work on the MC. 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 MC at any time during the lifetime of the EIST 2021-27 Programme will inform the Secretary in writing and provide the identity of their replacement, if available.

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

Signed: _____

Name: _____

Organisation: _____

Date: _____