



ESF Programme for Employability, Inclusion and Learning (PEIL) 2014 – 2020



Programme Monitoring Committee Rules of Procedure



Rialtas na hÉireann
Government of Ireland

The Youth Employment Initiative (YEI) is supported under the PEIL 2014-2020

Version Log

Number	Date Approved by PMC	Changed by	Details
1	23/06/2015		
2	24/05/2018	ESF MA	Code of Conduct inserted; Text and Layout updated in line with other ESIF Funds; Membership updated and extended to include ETBs; POBAL; National Disability Federation; National Youth Council; Majority Voting provided for.

1. Introduction

Articles 47 to 49 of the Common Provisions Regulation (EC) No. 1303/2013 (CPR) provide for the establishment, role and composition of the Programme Monitoring Committee (PMC). These Rules of Procedure have been drawn up and adopted by the PMC within the Irish institutional, legal and financial framework in accordance with the regulatory requirements.

2. Membership

Article 48 of the CPR provides for the composition of the PMC, which shall be decided by the Member State provided that the Committee is composed of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 5 of the CPR. These partners are elaborated in the European Code of Conduct on Partnership (EU Regulation No 240/2014) as follows:

- a) competent **regional, local, urban and other public authorities**
- b) **economic and social partners** and
- c) bodies representing **civil society**, such as environmental partners, nongovernmental organisations, and bodies responsible for promoting social inclusion, gender equality and non-discrimination,

A further consideration is the provision for cross-representation of Managing Authorities for other Irish ESIF funds, including cross-border programmes. The European Commission participates in the work of the PMC 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 PMC, 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 Monitoring Committee shall be the lifetime of the Operational Programme (OP).

3. Role/Functions of the Programme Monitoring Committee

The role of the PMC is to monitor the implementation and performance of the OP. It oversees the work of the ESF Managing Authority (ESFMA). Its specific functions are set out in the CPR and the ESF Regulation 1304/2013 as follows:

Category	Regulatory Reference	Functions
OP Performance	Art 49(1) CPR	To review implementation and performance of the OP, having regard to the financial data, common and programme specific indicators, including changes in the value of result indicators and progress towards quantified target values, and the milestones defined in the performance framework referred to in Article 21(1) of the CPR, and, where relevant, the results of qualitative analyses.
	Arts 49(2) & 110(1)(a) CPR	To examine all issues that affect programme performance, including the conclusions of performance reviews.
OP Amendment	Art 49(3) CPR	To be consulted and, if considered appropriate, give an opinion on any amendment of the programme proposed by the ESFMA.
	Art 110(2) CPR	To examine and approve any proposal by the ESFMA for any amendment to the OP.
OP Implementation	Art 49(4) CPR	To make observations to the ESFMA regarding implementation and evaluation of the programme including actions related to the reduction of the administrative burden on beneficiaries as well as the visibility of support from the ESIF and awareness of their results. To monitor actions taken as a result of its observations.
	Art 110(2) CPR	To examine and approve the annual and final implementation reports.
Selection of Operations	Art 110(2) CPR	To examine and approve the methodology and criteria used for selection of operations. (The PMC must agree to any operations being implemented outside of the OP area – Art 70 CPR).
Evaluation	Art 110(1)(b) CPR	To examine progress made in implementation of the evaluation plan and the follow up given to findings of evaluations;
	Art 110(2) CPR	To examine and approve the evaluation plan for the OP and any amendment of the evaluation plan; Art.114 (1) of CPR stipulates that the plan needs to be submitted to the PMC for approval no later than one year after adoption of the OP.
Communication	Art 110(2) CPR	To examine and approve the communication strategy for the OP and any amendment of the strategy; Art. 116 (2) of

	Art 116(2)&(3) CPR	CPR stipulates that the strategy needs to be submitted to the PMC for approval no later than 6 months after adoption of the OP. Art 116(3) provides that the PMC will give an opinion on planned activities including way to increase the effectiveness of communication activities.
	Art110(1)(c) CPR	To examine implementation of the communication strategy, including information and communication measures and of measures to enhance the visibility of the ESIF.
Horizontal Principles	Art110(1)(f)and (g) CPR	To examine actions to promote equality between men and women, equal opportunities, and non-discrimination, including accessibility for persons with disabilities. To examine actions to promote sustainable development.
Ex-ante Conditionalities	Art 110(1)(h) CPR	To examine progress on actions to fulfil the ex-ante conditionality on statistical reporting.
Youth Employment Initiative (YEI)	Art 19(1) ESF Regulation	To examine the implementation of the YEI and the progress made towards achieving its objectives.
Financial instruments	Art 110(1)(i) CPR	To examine financial instruments (where proposed, an ex-ante assessment on their effective use must be given to the PMC).
Major Projects	Art 110(d) CPR	To examine Major Projects
Joint Action Plans	Art 110(e) CPR	To examine Joint Action Plans

4. Chair

The ESFMA 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 ESFMA. The Chair may take a vote on any matter being considered by the Committee.

5. Secretary

The Secretary to the Monitoring Committee shall be designated by the Chair and shall be drawn from the ESFMA. Support services shall be provided by the ESFMA as required. The Secretary is responsible for the specific meeting and venue arrangements and for ensuring 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, PMC by email to PEIL@education.gov.ie.

7. Meetings

While Article 49 of the CPR requires the PMC to meet at least annually, the PMC will normally meet twice per year to monitor progress of the OP, including the YEI. 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 ESFMA, with the approval of the Chair of the PMC 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 will ordinarily be held in the Clock Tower, Department of Education and Skills, Marlborough Street, Dublin 1.

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. Notice shall be in writing by email. 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.

The Agenda for the meetings of the Committee shall be published by the ESFMA on the OP website, www.esf.ie.

11. Documents

Documents relating to the business of the meeting shall be supplied at the request of, and by the deadline set by, the ESFMA. Implementing Departments and Bodies 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 Implementing Department or Body to supply requested material in time for a meeting. Any Implementing Department or Body that is the subject of such a report will furnish an explanation to the Committee. The Committee shall consider what action should be taken. This may, in the event of persistent reporting failure by an Implementing Department or Body, include re-allocation of funding away from co-financed activities 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 shall monitor progress of the ESF by Priority Axes under the OP 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 assistance. The implementing Departments and Bodies concerned will co-operate in a positive way to facilitate such change.

The Committee shall normally reach its decisions by consensus. In the event of the Committee being unable to arrive at a consensus on any issue, 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 Committee may also consider matters and take decisions by means of a Written Procedure. In this instance the ESFMA 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 ESFMA 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 Committee of the outcome of the written procedure.

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 ESFMA shall provide support as necessary to such sub-committees and working groups.

The ESFMA 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 PMC meetings to aid the work of the Committee. All requests will be considered on a case-by-case basis.

14. Conflicts of interest

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

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. 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 PEIL 2014-2020 website.

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.

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 48 of the Common Provisions Regulation, these Rules of Procedure, including the members of the PMC, will be published on the dedicated website www.esf.ie.

Annex 1

List of Members for the Monitoring Committee of PEIL 2014-2020

Body	Capacity
ESIF Authorities	
ESF Managing Authority	Full Member
ESF Certifying Authority	Advisory
ESF Audit Authority	Advisory
Managing Authority ERDF OP (S&E)	Full Member
Managing Authority ERDF OP (BMW)	Full Member
Managing Authority EAFRD	Full Member
Managing Authority EMFF	Full Member
Special EU Programmes Body	Advisory
Member State Authority for ESIF co-financing	
Department of Public Expenditure and Reform	Full Member
European Commission	
DG Employment, Social Affairs and Inclusion	Advisory
Regional Authorities	
North Western Regional Assembly	Full Member
Southern and Eastern Regional Assembly	Full Member
Eastern & Midland Regional Assembly	Full Member
Intermediate Bodies and Beneficiaries	
SOLAS	Full Member
HEA	Full Member
Department of Rural and Community Development	Full Member
Department of Employment Affairs and Social Protection	Full Member
Department of Justice & Equality	Full Member
Department of Defence	Full Member
Office for the Promotion of Migrant Integration	Advisory
Irish Youth Justice Service	Advisory
Probation Service	Advisory
Gender Equality Division, DJE	Advisory
EU Funds Department of Justice & Equality	Advisory
ETB Representatives (2)	Advisory
POBAL	Advisory
Social Partners and Civil Society	
IBEC	Full Member
ICTU	Full Member
INOUE	Full Member
National Youth Council	Full Member
Disability Federation of Ireland	Full Member
Horizontal Principles	
Department of Justice & Equality	Full Member
Irish Human Rights and Equality Commission	Full Member

Annex 2

CODE OF CONDUCT FOR PROGRAMME MONITORING COMMITTEE (PMC) MEMBERS

This Code of Conduct sets out the standards of behaviour expected of PMC 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 PMC.

WORK OF THE PMC

Members of the PMC will familiarise themselves with the legislative basis for the work of the PMC 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 PEIL Operational 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 PMC and will seek to attend all PMC meetings.

CONFLICTS OF INTEREST

In accordance with the PMC'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 PEIL'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 PMC or engage in behaviour detrimental to the reputation of the Operational Programme or the ESF.

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

CONFIDENTIALITY

While the work of the PMC is not confidential and the papers relating to the work of the Committee are published following PMC meetings, on www.esf.ie, Members will respect and not disclose any confidential information that they may receive in the course of their work on the PMC. Members will familiarise themselves with their obligations under the Data Protection Acts of 1988 and 2003 and the Freedom of Information Act, 2014.

MEMBERSHIP

Any Member who can no longer serve on the PMC at any time during the lifetime of the PEIL will inform the Secretary in writing and provide the identity of their replacement, if available.

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

Signed: _____

Name: _____

Organisation: _____

Date: _____