



Rialtas na hÉireann
Government of Ireland



Cómhainithe ag an
Aontas Eorpach

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Rules of Procedure of the Monitoring Committee

Just Transition Fund 2021-2027, Co-funded by the
European Union and the Government of Ireland



Tionól Reigiúnach Oirthir agus Lár-Tíre
Eastern and Midland Regional Assembly

Version History

Version	Changes	Date	Status	Summary
0.1	First Draft	17/01/2023	Draft	First Draft
0.2	Minor edits. Addition of EIB to list	18/01/2023	Draft	Decisions required about member or observer
0.3	Minor edits and annex updates	13/02/2023	Draft	Article 27 added to what the monitoring committee shall approve. Also Annex 1 updated
0.4	Additions to further align with EU240/2014	14/02/2023	Draft	Inclusion of how the membership of the PMC is arrived at, as well a section on Sub-committees & Working groups
0.5	Minor Typos corrected, and additions	15/02/2023	Draft	Addition of a description of the Written Procedure and other updates to section 12 on decision making.
0.6	Decision on type of majority	16/02/2023	Draft	For decision making, it will be a 2/3 majority
0.7	Version for first circulation to members	22/06/2023	Draft	Annexes separated out for circulation as separate files.
0.8	None	08/03/2023	Final	Approved by PMC



Contents

Rules of Procedure	4
1) Introduction	4
2) Functions of the Monitoring Committee	4
3) Membership	5
4) Chair	5
5) Secretary	6
6) Communications	6
7) Meetings	6
8) Place of Meeting	6
9) Notice of Meeting	6
10) Agenda	6
11) Documents	6
12) Decisions	7
13) Minutes	7
14) Sub-committees & Working groups	8
15) Conflict of interest	8
16) Application of the principle of transparency	8
17) Changes to the Rules of Procedure	8
Annex 1 Membership of the Monitoring Committee	9
Annex 2 Code of Conduct for Monitoring Committee Members	11



Rules of Procedure

1) Introduction

The establishment, composition and functions of the Monitoring Committee for the Just Transition Programme is provided for in Articles 38, 39 and 40 of 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 Provision 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 Regulation.

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 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), Article 26, and Article 27.

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

The monitoring committee shall examine:

- the progress in programme implementation, including horizontal principles, 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 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.
- 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.

3) Membership

The composition of the Monitoring Committee for the 2021 - 2027 programming period is provided for in Article 39 of the Common Provisions Regulation. 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 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 membership comprises Full Members and Observer Members Serving in an Advisory Capacity and details are appended to this document in Appendix 1.

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.

The managing authority shall publish a list of the members of the monitoring committee on the website <https://emra.ie/eu-jtf/>.

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

The composition of the Monitoring Committee for the Just Transition Fund 2021-2027 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 Eastern and Midland 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 Eastern and Midland 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 monitoring committee shall meet at least once a year and shall review all issues that affect the progress of the programme towards achieving its objectives. 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 Chair 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 may be held online, in-person or a hybrid of the two.

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 Intermediate Bodies at the request of the Managing Authority. Implementing Departments and Intermediate 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 Intermediate Body to supply documentation in time for a meeting. Any Implementing Department or Intermediate 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 Intermediary Body, whether to re-allocate funding away from measure(s) for which that Implementing Department or Intermediary 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 Paragraph 2.

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. In this instance the Managing Authority will circulate to 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 Managing Authority 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.

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

15) Conflict of interest

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.

16) 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.

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 interpretation of the Rules of Procedure.



Annex 1 Membership of the Monitoring Committee

Body	Capacity
National Authorities	
Member State, Department of the Environment, Climate & Communications	Member
Accounting Function, Department of the Environment, Climate & Communications	Member
Cohesion Policy, Department of Public Expenditure & Reform	Member
Managing Authority (JTF)	
Director, Eastern and Midland Regional Assembly	Chair
Assistant Director, Eastern and Midland Regional Assembly	Secretary
Regional and Local Representation	
Local Elected Members of the Midlands Regional Transition Team	Member
County and City Management Association (CCMA)	Member
Cathaoirleach of the Eastern and Midland Regional Assembly	Member
Southern Regional Assembly, representing ERDF Southern Eastern and Midland Programme	Member
Northern and Western Regional Assembly, representing ERDF Northern and Western Regional Programme	Member
Intermediate Bodies, Policy Departments, Agencies	
Department of Agriculture, Food and the Marine: Research Division	Member
Department of Agriculture, Food and the Marine: Climate Change & Bio-Energy Policy Division	Member
Failte Ireland	Member
Department of Transport: Public Transport Corporate and Services Division	Member
Department of Transport: Zero Emission Vehicles Ireland	Member
Pobal	Member
Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: Tourism Policy Unit	Member
Department of Housing, Local Government and Heritage: National Parks and Wildlife Service	Member
Science Foundation Ireland	Member
Economic and Social Partners, Civil Society Bodies	
Irish Farmers Association	Member
Irish Congress of Trade Unions	Member
Irish Business & Employers Confederation	Member
The Wheel	Member
National Youth Council of Ireland	Member
Irish Human Rights and Equality Commission	Member
Irish Environmental Network	Member
Irish National Organisation of the Unemployed	Member
Technical University of the Shannon	Member
Maynooth University	Member
Other CPR Managing Authorities	
ESF+ (Department of Further and Higher Education, Research, Innovation and Science)	Member
EMFAF (Department of Agriculture, Food and the Marine)	Member
PEACE+ (Special EU Programmes Body)	Member



Commission Advisors to Monitoring Commission	
DG REGIO	Monitoring & Advisory
Observers	
Audit Authority: Department of Public Expenditure and Reform	Observer
Sustainable Energy Authority of Ireland	Observer
European Investment Bank	Observer
RRF Recovery and Resilience Fund (Department of Public Expenditure and Reform)	Observer
LEADER (Department of Rural and Community Development)	Observer
Enterprise Ireland Regional Manager	Observer
Eastern and Midlands Climate Action Regional Office	Observer
Environmental Protection Agency	Observer
Midlands Regional Transition Team Programme Manager	Observer
Midlands REP Representative	Observer
Mid-East REP Representative	Observer
Mid-West REP Representative	Observer
West REP Representative	Observer
Common Agricultural Programme (CAP) Strategic Plan: (Department of Agriculture, Food and the Marine)	Observer
Internal Security Fund (Department of Justice)	Observer
AMIF Asylum, Migration and Integration Fund (Department of Children, Equality, Disability, Integration and Youth)	Observer



Annex 2 Code of Conduct for Monitoring Committee Members

This Code of Conduct sets out the standards of behaviour 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 Just Transition Fund 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 be 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 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 JTF.

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 <https://emra.ie/eu-jtf/>. 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 Just Transition Fund 2021-2027 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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