

SUBSIDIARY LEGISLATION 327.316**EUROPEAN UNION PROGRAMMES AGENCY
REGULATIONS**

4th May, 2007

LEGAL NOTICE 128 of 2007.

- 1.** The title of these regulations is the European Union Programmes Agency Regulations. Title.
- 2.** (1) In these regulations, unless the context otherwise requires - Interpretation.
- "actions" means the various initiatives and measures under each programme;
- "European Union" means the European Union referred to in the Treaty as defined in article 2 of the European Union Act; Cap. 460.
- "Minister" means the Minister responsible for education;
- "National Agency" means the European Union Programmes Agency established in regulation 3;
- "National Co-ordinator" means the officer appointed with the responsibility of managing the European Union Programmes Agency;
- "network" means a formal or informal grouping of bodies active in a particular field, discipline or sector of lifelong learning;
- "Operational Handbooks" means the guidelines established by the European Commission to manage the programmes.
- 3.** There shall be the European Union Programmes Agency, hereinafter called the National Agency, having such powers and functions as set out in these regulations. Establishment of National Agency.
- 4.** The National Agency shall have its offices at such address as the Minister may, from time to time, determine. Seat of the National Agency.
- 5.** (1) The National Agency shall be a body corporate having a distinct legal personality and it shall be capable, subject to the provisions of these regulations, of entering into contracts, of employing personnel, of acquiring, holding and disposing of funds for the purposes of its functions and operations, of suing and being sued, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise or performance of its functions under these regulations. Legal personality.
- (2) The legal and juridical representation of the National Agency shall vest in the National Co-ordinator of the National Agency, who may appoint in writing one or more officers or employees of the Agency to appear in the name and on behalf of the Agency in any judicial proceedings and in any deed, contract, instrument or other document whatsoever.
- (3) The National Agency shall be a non-profit organization.

Mission of the National Agency.

6. It shall be the mission of the National Agency to promote, implement and manage programmes and initiatives of the European Union.

Objective of the National Agency.

7. The objective of the National Agency shall be to ensure that in those European Union Programmes having an educational nature, contents or objectives, its activities are consonant with the educational policies and strategies of the Ministry responsible for education.

Powers and functions of the National Agency.

8. (1) The powers and functions of the National Agency shall be to:

- (a) give advances to and fund third parties when necessary and in relation to the Agency's activities;
- (b) enter into agreement, or make any arrangement in connection with the Agency's business, with any government department or other authority, corporation, company or person;
- (c) employ personnel according to need on terms, conditions and remuneration as approved by the Minister and assume responsibility for the employment, deployment, supervision and discipline of public officers assigned to the National Agency by the public authorities responsible for Government employees;
- (d) accept and receive funds from Governments, international organizations, foundations, commercial entities, banks, individuals or any other source;
- (e) do all such other things which are incidental or conducive to the attainment of the above functions or of any of them.

(2) Funding from the European Union for the various educational programmes will be provided under specific financial agreements and may only be used for the specific purpose listed in the various agreements with the European Commission.

(3) The National Agency may carry out projects or activities for the benefit of the network of National Agencies or in support of a Community policy.

(4) The National Agency may be entrusted by the Minister, as the National Authority, with other European Commission initiatives and measures.

Management of programmes and projects.

9. The National Agency is responsible for the management of the programmes including:

- (a) giving information and publicity on the various European Union educational, research and cultural programmes and, where applicable, giving information on the calls for proposals;
- (b) providing counselling services to potential applicants;
- (c) receiving and assessing proposals;
- (d) the setting-up and operation of an evaluation

- committee for the selection of project proposals;
- (e) the publication of information on selected projects;
- (f) committing funds for projects and signing of contracts with project beneficiaries;
- (g) the pre-financing of payments to beneficiaries;
- (h) the monitoring of projects including visits to projects and thematic monitoring meetings;
- (i) analysing and controlling the final activity and the financial final reports;
- (j) the balancing of payments and the recovery of funds;
- (k) carrying on-the-spot checks on projects with the assistance of independent auditors;
- (l) reporting to the European Commission.

(2) The National Agency shall be also responsible for the management of the life-cycle of the Maltese projects financed under the various actions of the European Union programmes and shall contribute to the monitoring and evaluation of the actions of the programmes.

(3) The National Agency may not delegate any task of budget implementation.

10. The National Agency shall also contribute to the monitoring and evaluation of the actions of the programmes through:

Monitoring of programmes and projects.

- (a) the organisation of national thematic monitoring meetings between projects and the national participation in European thematic monitoring meetings;
- (b) the organisation of national valorisation meetings, bringing together projects co-ordinators and potential users and the national participation in European valorisation events;
- (c) reporting on the strategic impact of the programmes at national level;
- (d) the carrying out of studies, analysis and surveys on the programmes at national level;
- (e) the contribution to national reports on programme implementation and to programme evaluation;
- (f) the contribution to achieving synergies at national level with other European Commission programmes.

11. The National Agency shall carry out its tasks in accordance with the Operational Handbooks of the European Commission regarding the minimum requirements for internal control standards applicable to National Agencies and to their management of the projects financed under the various actions. The Operational Handbooks shall be an integral part of the obligations of the National Agency both towards the European Commission and the

Obligation to abide by Operational Handbooks.

Minister as the National Authority.

Accountability.

12. (1) The National Agency is generally accountable to the Minister and to the European Commission.

(2) In carrying out its mission, objectives, functions and powers, the National Agency shall be subject to directions given in writing by the European Commission. The Minister shall also have the right to issue written directives on any matter, and to assign specific tasks, to the National Agency.

(3) In the exercise of those powers and functions which involve financial considerations and commitments, as specified in regulation 13, the National Agency shall also be subject to the direction of the Minister responsible for finance.

(4) The National Co-ordinator shall provide the European Commission and the Minister with all the information and documentation that may be requested in connection with the affairs of the National Agency.

Financial
accountability.

13. (1) Whenever requested, the National Agency shall submit to the European Commission the necessary work plans. The National Agency shall remain within the parameters of the recurrent expenditure allocated to it by the European Commission and the Minister as authorized by the Minister responsible for finance.

(2) The National Agency shall ensure the proper keeping of management accounts and other records concerning its operations and transactions, and shall ensure that a relative statement of accounts is prepared when requested and submitted to the Minister, the Minister responsible for finance and the European Commission, without any delay.

(3) The accounts of the National Agency shall be audited by one or more auditors appointed by the Minister. The financial administration of the Agency shall be subject to the auditing of the Auditor General. The audited accounts shall be presented to the European Commission, the Minister, the Minister responsible for finance and the Auditor General.

(4) The National Agency shall, whenever so requested, send a copy of its audited statement of accounts, a copy of the report made by the auditor or auditors about that statement, together with a report of its activities and outcome during that year, to the Minister and to the European Commission. The Minister shall, within thirty (30) days of their receipt, lay a copy thereof on the Table of the House of Representatives. The audited accounts and the annual report shall also be presented to the Minister responsible for finance and to the Auditor General whenever these are requested.

(5) The National Agency shall, on the request of the Minister or the Minister responsible for finance, submit management reports and accounts as requested.

S.L. 174.02

(6) The National Agency shall follow procurement procedures as regulated by the Public Service (Procurement) Regulations, and any amendments thereto.

14. If for any reason, the National Agency ceases to exist, all its assets shall become the property of the Government of Malta, saving any reservations made by beneficiaries and donors in respect of any property donated by them. Unused European Commission funds and recoveries shall be returned to the European Commission.

Cessation of the
National Agency.