VERŻJONI ELETTRONIKA

L.N. 21 of 2015

EDUCATION ACT
(CAP. 327)

European Union Programmes Agency (Amendment) Regulations, 2015

IN exercise of the powers conferred by article 135 of the Education Act, the Minister for Education and Employment has made the following regulations:-

Citation.

1. The title of these regulations is the European Union Programmes Agency (Amendment) Regulations, 2015, and these regulations shall be read and construed as one with the European Union Programmes Agency Regulations, hereinafter referred to as "the principal regulations".

S.L. 327.316

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:

(a) the definition "National Authority" shall be substituted by the following:

" "National Authority" means the office within the Ministry for European Affairs and the Implementation of the Electoral Manifesto, Parliamentary Secretariat for EU Funds and the EU Presidency designated as such in accordance with EU regulations to monitor the National Agency at national level in the implementation of the programme for European Union action in the field of education, training, youth and sport called "Erasmus +" and its predecessors;"; and

(b) in the definition "network" for the words "lifelong learning" there shall be substituted the words "education, training, youth and sport".

Substitutes regulation 6 of the principal regulations.

3. Regulation 6 of the principal regulations shall be substituted by the following:

"6. It shall be the mission of the National Agency to effectively and efficiently promote, implement and manage the Erasmus+ Programme, previous programmes and other programmes and initiatives of the European Union as designated by the National Authority or the Minister as the case

VERŻJONI ELETTRONIKA

may be.".

Substitutes regulation 7 of the principal regulations.

4. Regulation 7 of the principal regulations shall be substituted by the following:

"**7.** The objective of the National Agency shall be to ensure that in dealing with the programmes as set out in regulation 6:

(a) its activities are consistent with the national educational policies and strategies as supervised by the Minister;

(b) its calls, actions, general management and workings are in line with the relevant European Union regulations and Operational Handbooks issued by the European Commission from time to time;

(c) it manages its finances in a clear, transparent and accurate manner as required in the regulations of the European Union and the Operational Handbooks and the Laws of Malta.".

Amends regulation 8 of the principal regulations.

5. Paragraph (d) of regulation 8 of the principal regulations shall be amended as follows:

(a) for the words "from Governments, international organizations" there shall be substituted the words "from Governments, the European Commission, international organizations";

(b) for the words "or any other source;" there shall be substituted the words "or any other source:", and thereafter there shall be added the following new proviso:

"Provided that in the case of national funds co-funding the operations of the National Agency, the Minister responsible for Education shall consult in writing with the National Authority before any negotiations on the allocation and inform the National Authority each time tranches are transferred to the National Agency;".

Amends regulation 9 of the principal regulations.

6. Regulation 9 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be amended as follows:

VERŻJONI ELETTRONIKA

(i) for the words "for the management of the programmes including" there shall be substituted the words "for the management of the programmes as set out in regulation 6 and must minimally ensure";

(ii) paragraph (a) thereof shall be substituted by the following:

"(a) the provision of information and publicity on the various centralised and decentralised European Union educational, research and cultural programmes and programmes set out in regulation 6 and, where applicable, giving information on the calls for proposals;";

(iii) in paragraph (b) thereof for the words "providing counselling services" there shall be substituted the words "the provision of counselling services and guidance to";

(iv) in paragraph (d) thereof for the words "project proposals" there shall be substituted the words "project proposals as indicated in the Operational Handbooks";

(v) paragraphs (e) to (n) thereof shall be re-numbered as paragraphs (f) to (o) respectively;

(vi) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(e) the provision of counselling and guidance services to rejected applicants;";

(vii) in paragraph (n), as re-numbered, thereof, for the words "and national rules; and" there shall be substituted the words "and national rules;";

(viii) in paragraph (o), as re-numbered, thereof, for the words "by the National Authority;" there shall be substituted the words "by the National Authority; and";

(ix) immediately after paragraph (o), as re-numbered, thereof, there shall be added the following new paragraph:

"(p) the publication and dissemination of an annual report showcasing annual achievements.";

VERŻJONI ELETTRONIKA

and

(b) in sub-regulation (2) thereof for the words "of the programmes" there shall be substituted the words "of the programmes as set out in regulation 6".

Substitutes regulation 10 of the principal regulations.

7. Regulation 10 of the principal regulations shall be substituted by the following:

"10. The National Agency shall also ensure the monitoring and evaluation of the actions of the programmes as set out in regulation 6 in line with the relative European Community Regulations and the Operational Handbooks.".

Amends regulation 11 of the principal regulations.

8. Regulation 11 of the principal regulations shall be amended as follows:

(a) the marginal note thereto shall be substituted by the following:

"Obligations to abide by the relative European Community Regulations and Operational Handbooks."; and

(b) for the words "in accordance with the Operational Handbooks" there shall be substituted the words "in accordance with the relative European Community Regulations and the Operational Handbooks".

Amends regulation 13 of the principal regulations.

9. Regulation 13 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof for the words "the necessary work plans. The National Agency" there shall be substituted the words "the necessary work plans related to the Erasmus + programme. Without prejudice to regulations 8(d) and 12(1), the National Agency";

(b) sub-regulations (4), (5) and (6) thereof shall be re-numbered as sub-regulations (6), (7) and (8) respectively; and sub-regulation (3) thereof shall be re-numbered as sub-regulation (4);

(c) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulation:

"(3) The National Co-ordinator shall be responsible for ensuring that the Agency has a functioning

VERŻJONI ELETTRONIKA

independent internal audit function at all times.";

(d) in sub-regulation (4), as re-numbered, thereof for the words "The accounts of the National Agency shall be audited" there shall be substituted the words "The operational systems and accounts of the National Agency may also be audited"; and for the words "The audited accounts" there shall be substituted the words "The operational audited accounts";

(e) immediately after sub-regulation (4), as re-numbered, thereof there shall be added the following new sub-regulation:

"(5) The systems and accounts for the decentralised funds of the Erasmus + programme managed by the National Agency shall be audited by one or more auditors appointed by the National Authority. The audited accounts shall be presented to the European Commission and the Minister."; and

(f) immediately after sub-regulation (8), as re-numbered, thereof there shall be added the following new sub-regulation:

"(9) Without prejudice to any other action that the National Authority is required to initiate or to take under any other European Community or national law, where the National Authority identifies through its check that serious irregularities or fraud has taken place, it will immediately inform the Minister to withhold or partially withhold any further payments of national funds.".

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