

Enhancing the partnership principle and transparency in the future Cohesion Policy

RECOMMENDATIONS FOR MEPS

1. Support the European Code of Conduct proposed by the Commission in the Common regulation of Cohesion Policy (Article 5), to enhance the partnership principle;
2. Ensure the Code of Conduct becomes part of the legal framework of Cohesion Policy and make sure compliance of Member States will be achieved;
3. Ensure a participatory and transparent process for the development of the Code of Conduct;
4. The Code of Conduct should include clear requirements on transparency and access to information, based on best practice;
5. The Code of Conduct should include clear requirements on partnership, public participation and support for beneficiaries, based on best practice.

SUPPORT THE EUROPEAN CODE OF CONDUCT, A KEY TOOL TO IMPROVE PARTNERSHIP

The partnership principle, public participation and transparency are interlinked democratic principles, essential to good governance, efficiency and sustainable development. For Cohesion Policy, they are necessary to ensure effective programming and implementation of Operational Programmes that account for the needs and priorities of stakeholders and final beneficiaries on the local level.

The European Commission's proposed European Code of Conduct (article 5 of Common regulation) should "lay down objectives and criteria to support the implementation of partnership and to facilitate the sharing of information, experience, results and good practices among Member States". It has the potential to become a major tool for securing effective partnership, transparency and public participation under the Cohesion Policy.

The Code of Conduct should become part of the legal framework of Cohesion Policy. To ensure compliance with the Code of Conduct, at the stage of ex-ante evaluation the European Commission should require an assessment of Member States' capacity to fully implement the Code of Conduct. For this purpose the European Commission should develop evaluation criteria and indicators.

REQUIREMENTS TO INCLUDE ON TRANSPARENCY AND ACCESS TO INFORMATION

Only transparency and access to information can ensure the control mechanisms on Cohesion Policy spending necessary for accountability. National managing authorities for Cohesion Policy should actively provide the public access to information necessary for informed participation in decision-making processes:

- National managing authorities should disclose information on programming procedures and draft documentation, as well as detailed information on projects at national level in a timely manner;
- This should be accompanied by an assessment and the publication of costs and impacts of programmes, subsidies and projects that affect the lives of citizens;
- The information should be timely and easily accessible at all levels – including European, national and regional –;
- The information should include the following: preparatory documentation within programming and implementation, the programmes, project selection criteria and processes, the composition of selection committees, project proposals, environmental impact assessments, selected projects, beneficiaries, auditing, monitoring and evaluation criteria and reports;
- Processes leading to decisions, and the implementation and enforcement of these processes, should be clear and accessible to everyone.

REQUIREMENTS TO INCLUDE ON PARTNERSHIP AND PUBLIC PARTICIPATION

Partnership

- Programming, project evaluation and selection should be carried out in partnership-based teams and working groups, with an even representation of partners (including NGOs) and voting rights given to all members. These same principles should apply to monitoring committees;
- The aforementioned working groups, teams and committees (hereafter: bodies) should be established through transparent processes;
- NGOs should have the right to elect their own representatives to the above bodies through a transparent process respected and not influenced by the authorities;
- The list of members, as well as the meeting documents approved by the members of the aforementioned bodies should be made public;
- There should be no requirements or restrictions for NGO representatives in the aforementioned bodies other than those for any other member of the respective body;
- Partners' costs related to their participation in planning, monitoring, project evaluation or other partnership-based bodies should be reimbursed;
- Capacity building should be provided for stakeholders, including NGOs, civil servants and so on, to participate in partnership and public consultation processes effectively.

Public participation

- The national and regional reform strategies (including the targets and objectives on which the Partnership Contracts are based), the Partnership Contracts themselves and programming documents, as well as any amendment thereof should be subject to an open consultation process;
- Clear rules and timelines for programming should be set and authorities should adhere to these;
- Working groups/authorities should respond to those commenting on draft documents, including providing explanations for the acceptance/rejection of comments;
- Programming should be coupled with Strategic Environmental Assessment processes at an early phase of programming, with wide, documented public involvement;
- Member state authorities and the European Commission should publish information about the implementation of projects in their scope of competence in a coherent way online.

Support for beneficiaries for fair, transparent and efficient absorption

- Assistance, consultation and trainings should be provided to potential project applicants for Cohesion Policy funding;
- A transparent appeal mechanism regarding decisions on project selection and programme management should be established.

SUCCESSFUL EXAMPLES OF PARTNERSHIP AND PUBLIC PARTICIPATION

Slovakia, Poland¹

In both Slovakia and Poland, the NGOs delegates are members of Monitoring Committees with the right to participate in decision-making and to vote in the Monitoring Committees.

Hungary²

Between 2004 and 2006, experts from an environmental NGO, the National Society of Conservationists, cooperated with the managing authority for Structural Funds to ensure environmental sustainability in the quality control of proposals during project selection. As a result, regional development agencies changed their pre-selection and scoring criteria and the managing authority adopted new guidance on environmental aspects for applicants. This also influenced other managing authorities to reconsider environmental criteria for their 2007–2013 programmes (GRDP, 2006). In the current programming period, the National Society of Conservationists is planning to evaluate the impacts of selected projects on climate change. (GRDP, 2006).

Latvia³

There is one joint Monitoring Committee for all three Operational Programmes. The composition of the Monitoring Committee is prescribed in by-law where members with full voting rights and observers are named and also the procedure of applying for participation is described. Most of NGOs representatives have the status of observers in Monitoring Committee. Proposals to decision are circulated to all members prior the MC meetings and all documentation and minutes from meetings are available on the website maintained by the Ministry of Finance (www.esfondi.lv).

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¹ Source: SF team (2009), Structural funds and partnership

² Source : ENEA Working Group on Climate Change and Cohesion Policy (2009), Improving the Climate Resilience of Cohesion Policy Funding Programmes

³ Source: SF team (2009), Structural funds and partnership