

## Enhancing transparency, the partnership principle and public participation in the future Cohesion Policy

For more information

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The partnership principle, public participation and transparency are interlinked and basic democratic principles, essential to good governance and sustainable development. These are core values of the EU and in the case of Cohesion Policy 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 draft regulations (art. 5 General regulation) provision for a "European Code of Conduct" that 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".

We welcome the proposal for the development of a European Code of Conduct on partnership, which provides the foundation on which to develop the partnership principle.

The European Code of Conduct has the potential to become a major tool for securing effective partnership, transparency and public participation under the Cohesion Policy. To ensure this the Code needs to establish specific definitions of key issues and processes for partnership implementation and evaluation. Creating the Code of Conduct must be transparent and open to public participation, in line with expectations of Member States.

We believe improvement is needed in the following two areas, where the integration and enforcement of principles of transparency, partnership and public participation in the EU funds cycle have not to date been fully satisfactory:

#### 1) Ensuring 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.

#### 2) Participatory and transparent processes for the development of the Code of Conduct

Partners should have the possibility to participate in the development of the Code of Conduct.

**The experience and expertise of NGO networks working with partnership and public participation recommends that the following should be requirements of the Code of Conduct.**

## Transparency and access to information

Only transparency and access to information can ensure the additional control mechanisms on EU funds spending necessary for accountability of political processes and decision-making.

National managing authorities for Cohesion Policy should actively provide the public access to information necessary for informed participation in decision-making processes. These 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 – and 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.

## 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.