

The partnership principle in the early stages of programming

Experiences from CEE countries

For more information

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Even though still under negotiation it is foreseeable that the new legislation for Cohesion Policy 2014-2020 will enshrine substantial progress in further establishing the partnership principle, i.e. providing for a comprehensive involvement of EU Cohesion Policy stakeholders into planning, implementation, monitoring and evaluation of EU funds' investments.

The partnership principle is one of the main principles of Cohesion Policy. It has been part of the EU's legislation since 1988 and the concept has evolved over the years through learning-by-doing. The European Commission's proposal for a new legislative framework of the Cohesion Policy, in particular set out in article 5 of the Common Provisions Regulations, includes the so called "Code of Conduct on Partnership". Even though legally not enforceable it does represent a significantly advanced development of the partnership principle norms. These provisions and guidelines promote the establishment of a system of best practice and standards. Thus it addresses one of the main weaknesses of the current application of the partnership principle – diverse practice in different member states leading to mostly insufficient utilisation of the partnership principle.

The main positive elements of the European Code of Conduct on Partnership (ECCP) are the general minimum requirements for high quality partnership: partners' involvement, their selection process, reporting on consultation and consideration of partners' opinions; and the flexibility on specific procedures, combined with the responsibilities to ensure a transparent and participatory process (including to report on measures taken in that regard).

With the adoption of future Cohesion Policy legislation on the horizon, the programming process for Regional Development funding for the period 2014-2020 is well underway. In this context Member States committed themselves to "already in the preparatory phase of the programming documents take into account as far as possible the principles of the draft Regulation¹", i.e. the main elements of the partnership principle.

This document aims to present the divergence between the agreed principles of the partnership and current experiences in Central and Eastern European (CEE) countries, namely Bulgaria, Croatia, Czech Republic, Estonia, Latvia,

¹ Joint declaration of the European Parliament and the Council on the application of article 5(3) of Regulation (EU) No / /2012 (CPR) and the exclusion of any retroactivity relating to it, in particular concerning its joint application with articles 13, 14-and 23 of Regulation (EU) No / /2012 (CPR).

Hungary, Poland, Romania and Slovakia. The reference framework for this comparison is in line with the reporting requirements of Member States on the application of the partnership principle as set out in draft templates for Partnership Agreements and Operational Programmes provided by the European Commission in January 2013.

Involvement of partners to the elaboration of Partnership Agreements (PAs)

Although it varies country by country at this very beginning of the preparation of the **PAs it is clear which authorities are coordinating the process**. In about half of the countries (CZ, LV, PL, RO, SK) the **key stages of the preparation process have been duly communicated**, whereas in the remaining countries this is unclear (BG, CR, HU), or the timeline is outdated (EE).

Concerning the type of involvement of the partners and their selection in some countries there have been **some working groups or thematic committees set up**, with some involvement of civil society (e.g. BG, CR, LV, RO, SK), sometimes, however, involving controversial or unclear selection processes regarding civil society representatives (BG, RO). There has been a **lack of transparency or information** noticed in CZ, HU, PL; and a rather unusual practice in CR where civil society organisations have been involved in the thematic working groups but economic and social partners and regional and local authorities have been left out.

Clear **champions** in this field are to be found in Latvia, where a Temporary Monitoring Committee for EU funds has been set up and every national social partner was free to apply there, without selection or election. This ensures diversity and proportionality. The effectiveness can't yet be assessed as it is too early in the process. Another positive example was identified in Estonia where 12 umbrella organisations (covering most fields, i.e. ensuring diversity) have been invited and one more organisation has been accepted to participate. These 13 umbrella organisations have been invited to workshops and written consultations.

The **diversity and proportionality of partners is not ensured** in most of the cases, even if partners are involved. Ministerial representatives generally outnumber civil society representatives, so it remains to be seen how much weight NGOs will have in the committees/working groups' discussions and decisions.

There were some actions taken by **the governments to facilitate the involvement and active participation** of the partners, however public consultation was organised in a few countries only, and not necessarily about the PA itself yet, but on the document the PA will be based on (e.g. National Development Plan in LV, "National Development 2020" strategy in HU). For sure, this can be considered positive as an early involvement. This process

was especially open in LV. On the other hand there were some consultations which were not open to the public in CR and PL, because NGOs were either not invited (CR) or even if the consultation events were announced publicly with date and city, there was no information about the exact place, no possibility to register, no proper consultation document (constantly changing), confusion about the purpose of the meetings and, consequently, confusion about the consultation rules that should have been applied. In other countries, governments have not yet taken any such efforts.

A best practice was identified in Latvia where an extensive and transparent public participation process was conducted around the National Development Plan, informative meetings were held about partnership in programming, and some NGOs were directly called and invited to participate in the Temporary Monitoring Committee.

In Poland, for example, representatives of the Ministry of Regional Development (MRD) visited each Voivodship and presented the draft PA at meetings there. But the process was announced publicly (on MRD's website) only one day before the first meeting took place. No specific time and location was given, only the date and the Voivodship where the next meetings were to take place. On the day that the consultations were announced, at first there was no proper document on the website, just a short, promotional leaflet, and then the final document put on the website was changed several times, always with a different date and no track-changes (so if one started to work already on one version, after a few days it was necessary to compare it word-for-word with the updated version). There was no direct way to submit one's request to take part in the meetings and some important NGOs were denied an invitation with a message that "meetings are closed for people from the street".

In one case it took six steps to get in contact with the person responsible for the consultation:

- 1. Central Information Point of EU Funds - redirection to Ministry of Regional Development*
- 2. Ministry of Regional Development - redirection to the Marshall Office of Mazovian Voivodship (no one in particular)*
- 3. Secretariat of Marshall Office of Mazovian Voivodship - redirection to the Secretariat of Department of Strategy and Development (of MO MV)*
- 4. Secretariat of Department of Strategy and Development - redirection to the particular person in the department*
- 5. redirection to the Secretariat of Mazovian Office of Regional Planning*
- 6. Secretariat of Mazovian Office of Regional Planning - redirection to the person responsible for registration of guests*

Some significant NGOs, also from the National NGOs Coalition, were denied participation due to lack of space. The information for people invited for the meeting in Mazowieckie Voivodship clearly stated that the meeting would concern this particular Voivodship, whereas the MRD initially announced all the meetings as consultation concerning the draft PA. In the end there was plenty of confusion about what would be discussed – the draft PA or the draft Regional OP (which was subject to public consultation in the meantime as well)? There was no information about how the opinions submitted would be taken into consideration by decision makers. This seems to be a significant paradox because, according to administrative procedures, regional plans have to be consulted publicly and each opinion submitted in writing must be answered and made public. So in the end for the nationwide, most strategic and significant planning procedures, there are no such rules.

In general there was **little opportunity for civil society to provide input to the analysis of the challenges and needs contributing to the Europe 2020 Strategy**. Some local and regional authorities had the chance to contribute to the analysis, e.g. in SK, but often there is no public information on this topic available. In some cases, though, partners could contribute through consultation on the baseline document (e.g. the National Development Plan in LV, the “National Development 2020” strategy in HU) or in the relevant working groups (CR).

More opportunities regarding the **selection of thematic objectives and determination of priorities** could be achieved through public consultation on the specific baseline document (e.g. the National Development Plan in LV, the “National Development 2020” strategy in HU or on the draft Partnership Agreement (PL)), through working groups (CR, EE) or other means (SK) or through roundtables (CZ) which were, however, difficult for NGOs to access. A good practice in Croatia led to the involvement of partners in the preparation of base documents and the selection of thematic objectives through the according working groups.

The partnership principle within the negotiations with the European Commission

In Latvia the negotiations between Member State representatives and the European Commission is a rather open process for NGOs and other social partners though it is far from flawless. It is a decisive step that NGOs can get access to draft negotiation documents on thematic issues that are sent to / communicated to the European Commission by the Member State. Commenting on those documents was made possible and there was a follow-up meeting to discuss the comments of social partners in the Ministry of Finance. This has taken place under very short deadlines, but at least it takes place.

Involvement of partners to the elaboration of Operational Programmes (OPs)

At this moment the **processes of developing OPs is less advanced** than those for the PA, which is in line with the overall time frame of the programming. Consequently the coordination authorities are more or less known in most of the countries, except for Croatia, where there is no government decision on the OPs yet. In Hungary, the overall coordination of the OPs was moved from one ministry to another by government decrees within two months.

In most of the countries **the process is more or less clear** (BG, CR, LV, PL, RO), in some countries not decided yet (EE) or not publicly known (HU, SK) and in Bulgaria it differs OP by OP.

Generally **there is much less information about the involvement of partners into the preparation of the OPs**. In some countries, this practice differs ministry by ministry (LV), whereas in some other countries ministries have to wait for the official central governmental guidance (HU) on the implementation of partnership. Involved partners are diverse in some countries (BG, CZ, LV); open calls for partners to show their interest in participation in the OP elaboration have taken place in CZ and LV. In many countries, working groups for OPs have not been set up yet, so that it is too early to assess the effectiveness of these partnerships and involvements.

The proof of partnership still to come

Given the early stage of the programming process the implementation of the partnership principle is an ongoing task that requires attention and dedication from all sides, including the European Commission as the guardian of the partnership principle.

Apart from the above described procedural findings, more important will be the cooperation on the contents of the programming documents. At some point Member States will have to record contributions made by the partners, publish them, demonstrate if or how those have been taken into account, and justify their decisions.

Ultimately, this debate will prove if the quality of partnerships has reached a sufficient level.