

Opinion of the European Economic and Social Committee on ‘The partnership principle in the implementation of the Common Strategic Framework Funds — elements for a European Code of Conduct on Partnership’

(own-initiative opinion)

(2013/C 44/04)

Rapporteur: **Mr PLOSCEANU**

On 24 May 2012, the European Economic and Social Committee, acting under Article 29(2) of its Rules of Procedure, decided to draw up an own-initiative opinion on

The partnership principle in the implementation of the Common Strategic Framework Funds – elements for a European Code of Conduct on Partnership

SWD(2012) 106 final.

The Section for Economic and Monetary Union and Economic and Social Cohesion, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 21 November 2012.

At its 485th plenary session, held on 12 and 13 December 2012 (meeting of 12 December), the European Economic and Social Committee adopted the following opinion by 158 votes in favour with 1 abstention.

1. Conclusions and recommendations

1.1 The EESC strongly believes that genuine partnership which involves all partners and stakeholders of organised civil society⁽¹⁾ in the preparation, execution and ex-post evaluation of the programmes and projects in EU cohesion policy contributes directly to their enhanced quality and efficient delivery. The partnership principle is an excellent example of how good governance can be applied in other EU policies thereby efficiently implementing the EU 2020 strategy.

1.2 Having asked for a code of good conduct, the EESC strongly supports the Commission initiative and agrees very much with its proposed recommendations. The EESC appreciates the support for the code given by the European Parliament (EP) and the Committee of the Regions (CoR); the EESC recalls, however, that partnership should be at equal terms for all public and private partners.

1.3 However, the EESC is deeply disappointed that the Council for the moment has deleted the proposed Code of Conduct from the Commission’s proposal. The EESC calls for a joint action with the CoR to defend the Code of Conduct.

⁽¹⁾ Organised civil society is defined by the EESC as: Organised civil society is that part of civil society that finds expression in organisations which are themselves building blocks of society. In other words, organised civil society comprises all private-initiative non-state organisations and their members who are actively involved in shaping public affairs on the basis of their own concerns and drawing on their own specific knowledge, abilities and scope for action. This definition covers a wide range of organisations: employers’ federations, trade unions, associations set up to promote certain matters of general interest as well as what are termed non-governmental organisations (NGOs).

1.4 The EESC is deeply worried about the increasing concern felt among organised civil society with regard to the implementation of the partnership principle. Reports from some Member States (MS) show an on-going trend towards a dilution of this partnership principle and a decrease of participation by organised civil society. The deletion of the Code of Conduct from the Commission proposals is also a major concern. In this time of crisis, there is a need for an even stronger commitment of social partners and other civil society organisations.

1.5 Even if still just a Commission staff working document (SWD), this text comes at an appropriate point in time as in several Member States and regions structural fund programming for 2014-20 has already started. It should actively be disseminated by the Commission in order to be used by the relevant partners. The EESC calls on its members to actively engage their organisations to participate in projects and programmes of EU cohesion policy, backed by the Code of Conduct.

1.6 The EESC would like to strongly emphasise that operational programmes should be geared towards ‘partnership-friendly’ actions and measures. Equal treatment and pluralism in partnership, targeted partnerships for targeted programmes and enhanced capacity building should be major guidelines.

1.7 The EESC believes that Monitoring Committees should be supplemented by other partnership instruments. In this context the EESC recalls that the wording proposed by the European Parliament’s amendments to Article 5 of the CPR: ‘cooperate with the partners’ be substituted by ‘involve the partners’.

1.8 The EESC proposes a '**partnership check**' managed by the partners themselves. Such a European monitoring system should be based on a simple checklist and peer reviews put in place by the Commission together with European stakeholder organisations. The EESC is very keen to take part actively in this process.

1.9 The proper implementation of the partnership principle as laid out in the Code of Conduct should be a condition before the Commission signs the Partnership Contracts with the different Member States. Within this context, resources to the operational programmes might be topped up as an incentive to fulfil this condition.

2. The context – partnership in evolution

2.1 The implementation of the partnership principle has been piecemeal and slow since it was launched in 1988. Organised civil society was included in the process, particularly the social partners. The principle was more easily taken on board in countries where partnership is an endogenous part of policy-making. The principle was reinforced when the Commission had more of direct responsibility in the cohesion policy and when Community initiatives like EQUAL and LEADER were introduced.

2.2 However, in many cases partnership was just formal. In the 2006-2013 programming period, partnership was not actively promoted even if at the same time stakeholder participation became a cornerstone to implement the Lisbon strategy. EU cohesion policy faced new challenges when 10 countries joined the EU in 2004, followed by Bulgaria and Romania in 2007.

2.3 Deficiencies were spotted by the Commission and setbacks were criticised by civil society partners. As a response to the changed relationship between Member States (MS) and the Commission in managing EU cohesion policy, dissemination of good practice came into focus.

2.4 In 2009, the Commission asked the EESC for an exploratory opinion on how to promote partnership in the structural funds on the basis of good practice. The EESC opinion at the time was supplemented with a publication 'It takes two to tango' presenting selected cases of good practice in MS. The EESC proposal for a code of good practice has been since taken up by the Commission.

2.5 The current situation illustrates that partnership with organised civil society is evolving in most Member States. Poland can in some cases serve as model for its evolving good practice. Implementing partnership is certainly a challenge for the latest new-comers such as Bulgaria and Romania and soon Croatia. This is also the case in some MS that joined in 2004, as well as in those that have been members for several years like Portugal and Greece.

2.6 There is actually a growing concern among organised civil society with regard to the implementation of the partnership principle. Expectations are not fulfilled. Reports from some MS show an on-going trend towards a dilution of this partnership principle, the decrease of the organised civil society participation and the deletion, by the Council, of the Code of Conduct. In some countries, programming for the 2014-20 period has started without the private stakeholders being invited in a genuine way. This political reluctance must be reduced to enable the proper implementation of the ECCP.

3. Commission proposal

3.1 Under the Commission's proposals for the CSF Funds in the period 2014-2020, MS will have a clear obligation to organise a partnership. This will be supported by a European Code of Conduct on Partnership (ECCP) which will lay down objectives and criteria for the implementation of partnership and facilitate the sharing of information, experience, results and good practices among Member States. The ECCP is to be adopted by the Commission as a delegated act within three months of adopting the Common Provisions Regulation (CPR).

3.2 The Commission SWD is a first step to make the partnership principle effective. Under six headings it enumerates 18 detailed guidelines. These six headings are, respectively:

- Which partners to select
- How to involve the partners in preparation of the programming documents
- How to involve the partners in the implementation phase
- How to involve the partners in the evaluation

— Assistance to partners

— Exchange of good practice.

3.3 It should be noted that the proposed ECCP has been translated in all EU languages, which will facilitate its dissemination and use.

4. Previous EESC work on partnership

4.1 The EESC, at the specific request of the European Commission, worked on the partnership principle in 2010 (ECO/258 – rapporteur OLSSON ^(?)), and has extensively commented on the EC's proposals for partnership in its Opinion on the CPR (ECO/314 – rapporteur VARDAKASTANIS).

4.2 The EESC proposed that a **Code of Good Practice** should be based on a number of guidelines, nearly all of which have been taken account of in the Commission SWD:

— an information/consultation/participation plan to involve partners,

— accountability by the authorities,

— selection of partners from a broad spectra of society,

— technical assistance to partners,

— partnership as criteria for projects,

— **simplification** of procedures and controls,

— **payments** to be speeded up.

4.3 The EESC strongly believes that **partnership** which involves all partners as defined in Article 5(1) of the CPR in the preparation, execution and ex-post evaluation of projects undertaken in the framework of EU cohesion policy contributes directly to its success. It welcomes the progress in Article 5 of the European Commission's proposals which make partnership a mandatory feature; it recalls that participation should be real at all stages of the implementation of the funds, including these partners with the right to vote in the monitoring committees.

^(?) EESC opinion on *Efficient partnership in cohesion policy* – OJ C 44, 11.2.2011, p. 1.

4.4 The EESC calls for joint action with the CoR to defend the ECCP and it calls upon the EC and EP to overturn its deletion by the Council. The EESC has stated so strongly at the informal ministerial meeting in Nicosia on 6 November 2012.

5. Initial reactions of other EU institutions

Council

5.1 The Council has rejected the Commission's proposal for a code of conduct, which undoubtedly will weaken in practice the implementation of the partnership principle.

European Parliament

5.2 The European Parliament has proposed a comprehensive amendment on the code of conduct in Article 5 of the CPR based on nine specifications. The EESC supports this approach. The amendment is reproduced below ^(?). However, the EESC is worried that the EP distinguishes between private and public partners and this might pave way for an unequal treatment of partners.

Committee of the Regions

5.3 The CoR supports the ECCP and calls on concerned territorial bodies to organise partnerships. It emphasises inter alia that consideration should be given to specific conditions in the MS, the importance of subsidiarity and proportionality, the procedure of selecting partners supporting pluralism in order to also include marginalised groups. The CoR raises the question of rights and responsibilities of the partners thereby also distinguishing between private and public partners.

^(?) 3a. The European Code of Conduct shall outline inter alia the following specifications:

- a) minimum requirements and principles to ensure transparent selection of partners and clarity about their role in the policy process and their responsibilities;
- b) minimum requirements, recommendations, and indications on how to identify relevant partners, ranging from authorities of different territorial levels, social and economic partners, civil society, religious communities, science and technology organisations and bodies responsible for promoting gender equality, social inclusion and non-discrimination or active in the areas of culture, education and youth policy;
- c) the cooperation procedure among the competent national, regional and local authorities;
- d) guidance on how to tailor partnership to programmes, including the particular characteristics of multifund programmes, joint action plans and integrated territorial investments;
- e) minimum requirements for ensuring meaningful involvement of partners in the preparation of the Partnership Contract and the programmes;
- f) minimum requirements, forming part of the procedures established to ensure effective organisation of partnerships;
- g) guidance on the involvement of partners in monitoring committees, project selection, monitoring and evaluation;
- h) minimum requirements on providing guidance to partners and on facilitating capacity building among partners;
- i) outlining the framework for exchange good practices across Member States.

6. Reactions from organised civil society

6.1 European organised civil society believes that the absence of partnership was one of the main reasons for the reduced impact of structural funds in 2007-2013 in several MS.

6.2 It should be more clearly stated that organised civil society represents the general interest, alongside public authorities.

6.3 Organised civil society is often excluded from real and genuine partnership due to barriers created by rules in co-funding, administrative burdens, inadequate goals of the national Operational Programmes and lack of participation in monitoring of the funds.

6.4 Organised civil society recognises the efforts undertaken by the EC to simplify procedures but considers these are still insufficient for timely and easy absorption of funds by the private sector at large. Too much complexity and administrative burdens remain, bureaucracy needs to be reduced. The following aspects have to be taken into account:

- documentation standardisation (timely - easily accessible – easily understood),
- avoiding to introduce changes during the implementation,
- flexible co-financing rates,
- reducing of late payments periods.

6.5 Organised civil society underlines the importance of capacity building for partners and calls for the inclusion of a definition of capacity building. The definition of capacity building should be understood as the enhancement of the participation of partners in the preparation, implementation and monitoring of the SFs at all stages.

6.6 The EESC highlights the need to create a broad partnership that should represent a large spectrum of different interests. Clear ways to fix responsibilities and functions of these different partners should be established.

7. General comments

7.1 To effectively put in place the partnership principle is a continuous process. The Commission proposal is a first step in formalising and codifying the partnership principle at EU level. The EESC is pleased to note that both the EP and the CoR support an effective partnership principle. The partnership principle is in fact an excellent example of how good governance can be applied in other EU policies thereby efficiently implementing the EU 2020 strategy.

7.2 The EESC is deeply worried that the Council wants to restrict the partnership principle by reverting to the current more restrictive rules for the programming period 2006-13; it calls upon the Commission and the EP to help reverse this development.

8. Specific comments

8.1 As structural fund programming for 2014-2020 has already started in several MS, it is important for both public administrations and organised civil society to make use of the Commission's SWD. The EESC appreciates that the code of conduct has been translated into all the EU languages. The Commission should actively disseminate its proposals in the MS in cooperation both with public administration and organised civil society.

8.2 The EESC believes that monitoring has not been developed enough in the Commission's proposals. A European monitoring system based on a simple checklist and peer reviews should be set in place together with the European stakeholders' organisations. The EESC is quite keen to take part in this process.

8.3 The checklist should be based on minimum specifications particularly on selection, participation in the different stages and capacity building of the partners. Also how conflicts of interest are solved should be evaluated. The specifications could be supported by a SWOT-analysis (focussing on the Strengths, Weaknesses, Opportunities and Threats) to pave the way for improvements.

8.4 As part of this system the private stakeholders/partners should make a '**partnership check**' based on the above proposed checklist. The EESC proposes a simple assessment scheme with three levels insufficient/sufficient/excellent. Such a check would reinforce the participation of partners in evaluation as suggested in the SWD.

8.5 The EESC recalls that the proposed wording in the CPR in Article 5 by the EP '*cooperate* with the partners' must be substituted by '*involve* the partners'.

8.6 The EESC reiterates its earlier proposal that regions wanting to share their experience and disseminate good practice set up a network of 'regions of excellence in partnership'.

8.7 The good practices presented in the EESC brochure 'It takes two to tango' were widely appreciated; these examples could be very useful to test in other countries (even if partnership has to be adapted to national circumstances). The EESC proposes to update this brochure with a revised edition, which would include lessons learned from bad practices.

8.8 The EESC underlines the importance to involve partners from the earliest stage in a dialogue within a framework of a work programme (information/consultation/participation plan) and a precise roadmap as suggested by the EESC and supported by the Commission. The process must also be defined in the partnership contract. The proper implementation of the partnership principle as laid out in the ECCP should be a condition before the Commission signs the partnership contracts with the different MS. The EESC suggests that resources of the operational programmes be used to benefit capacity building within the partners as an incentive to fulfil this condition.

8.9 The selection of partners should be within the framework of 'pluralism in partnership'. Alongside economic and social partners and relevant civil society bodies, other players are to be included such as innovative, emerging and marginalised sectors of society, which must have access to and a role to play in the partnership. For these sectors, the model of coordination platforms is very useful. Also smallest, micro enterprises (with their high job potential) and the social economy (as follow up on the Social Business Initiative) must be involved as economic partners in the partnership.

8.10 The proposed thematic concentration in the programmes, as well as other targeting of programmes – geographically, groups, sectors etc. – will facilitate a focused and more effective partnership.

8.11 The work in the Monitoring Committees is often very formal and does not fulfil the demand for a genuine partnership. It should be supplemented by consultative bodies, working groups and other partnership instruments to reinforce the partnership process.

8.12 Capacity building is necessary for partners in all MS to contribute substantially to the process. Technical assistance but also Member State own funds should be used for this.

Brussels, 12 December 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON
