



**Friends of
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The devil is in the implementation

At the peak of EU funds' programming for 2014–2020, experiences from CEE countries reveal deficiencies in the application of the Code of Conduct and a flawed implementation of the partnership principle. This is undermining the credibility of the programming process and threatens to squander the benefits that the comprehensive involvement of all stakeholders can deliver.

For more information

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The partnership principle in Cohesion Policy is supposed to provide for a comprehensive and early stage involvement of all stakeholders into the planning, implementation, monitoring and evaluation of EU funds' investments. Such involvement and engagement can foster various benefits and added value such as enhancing collective commitment and ownership of the EU policies and investments, increasing knowledge, expertise and viewpoints in project design and selection, and efficient project implementation, as well as ensuring greater transparency in decision making processes and the prevention of fraud and misuse of taxpayers' money.

The European Commission's proposal for new Cohesion Policy legislation stipulates, in article 5 of the Common Provisions Regulations, the introduction of a so called "European Code of Conduct on Partnership" (ECCP). This ECCP, laid down via a Delegated Act, and adopted by the European Commission in January 2014, should give guidance to member states and promote best practice in the field of partnership regarding: partners' involvement and dialogue with decision makers; their selection process; access to information, to time lines and planning documents; reporting on consultation and partners' role and added-value during programming, and; flexibility on specific procedures, combined with the responsibilities to ensure a transparent and participatory process (including the reporting of actions taken in that regard). Thus it aims to address one of the main weaknesses of the current application of the partnership principle – diverse practices and qualities of involvement in different member states, leading often to low-standard partnerships.

During the negotiations on the legislative framework (the “trilogue”), member states were successful in preventing any binding requirement or enforceable minimum standards they would need to adhere to as far as partnership is concerned. Thanks to pressure from the member states, the whole partnership principle – compared to the Commission’s initial proposal – has been hollowed out and is now the subject of “full flexibility”, allowing as much “good conduct” as deemed appropriate from the point of view of the ministries involved.

Member states committed “already in the preparatory phase of the programming documents [to] take into account as far as possible the principles of the draft Regulation¹”, i.e. including the main elements of the partnership principle. In February 2013, CEE Bankwatch Network and partners communicated a cautiously optimistic view on the application of the partnership principle at the beginning of the programming process.² Timelines and the process of involving stakeholders seemed to be set, however real proof of quality partnership was still to come given the early stage of the programming process at that time when the implementation of the partnership principle was just at the beginning.

Now in March 2014, with draft Partnership Agreements having been submitted to the European Commission, and also with the main structures and priorities of the Operational Programmes set in most of the countries, it has become clear that in certain central and eastern European countries the meaningful implementation of the partnership principle remains a distant prospect.

The conclusions below on the state of play of partnership in **Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Poland and Slovakia** show that a number of the basic elements of the partnership principle can not be taken for granted without binding requirements: timely access to information and sufficient time for reaction is far from being guaranteed; the involvement of partners is not happening at early stages when major strategic decision are to be taken, and a number of member states are failing to establish a reciprocal dialogue where partners receive feedback on their contributions.

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).

2 <http://bankwatch.org/publications/partnership-principle-early-stages-programming-experiences-cee-countries> ; <http://bankwatch.org/publications/response-ngo-representatives-structural-dialogue-european-code-conduct-partnership-%E2%80%93-de>

Ultimately, this list of partnership shortcomings leads to the conclusion that purely voluntary partnership, without common standards, results too often in stakeholders going through the 'partnership motions', and that the promotion of best practice alone is not sufficient to ensure quality partnership.

Salvaging partnership for 2014–2020 – a few recommendations

The evidence below from CEE countries on how the partnership principle is being applied very cosmetically in the current programming process is certainly not promising. So what is to be done?

First, member states will just have to be reminded again and again to implement the partnership principle, as it is laid down in the European Code of Conduct on Partnership.

Second, as the member states will have to report on various aspects of the programmes' preparation, including how the partnership principle has been implemented and functioned, the Commission must also seek to obtain feedback from partners themselves, and not just from the relevant national authorities. A final verdict from the Commission, going state by state, should also be published.

Third, a role for the European parliament in this would be to aim to establish binding minimum quality standards for partnerships at national level; and undertake a critical review of member states' reports on partnership implementation.

Bulgaria

Intermediate conclusions on the state of partnership in programming

Many decisions were taken behind closed doors during summer 2013. The general feeling since May–June with the new government was that programming has been frozen. In the meantime some programmes have been modified: there are positive developments in the rural Development Programme where safeguard mechanisms have been included. Also, in OP Environment NGOs will be able to apply for grants for demonstration projects. In the current period only biodiversity projects with quite a high threshold were eligible to be implemented by NGOs.

However, some of these positive developments do not seem certain to be included in the new OPs. In December 2013 the Head of OP Environment left the programme, suddenly justifying her decision with the explanation that the new minister is using her as a scapegoat for deficiencies in the programme. She also pointed out that she is prevented from accessing crucial information related to the implementation of the work in the programme she manages, making her efforts pointless.

Mechanisms related to climate change, though, seem to be less appealing to the government. Currently the climate mainstreaming of programmes is in decline – e.g., measures for adaptation under OP Regions in Growth were eliminated. It is too early to say what climate mainstreaming measures the government will try to delete from programming – this will become clear in February–April 2014, but it is widely anticipated.

Most strikingly, and despite some of the positive developments mentioned, these recent changes took place without the knowledge of the Working groups. Representatives of civil society are expected to confirm or rubber stamp “draft” decisions. There is also the feeling that, after the changes in staff that came with the new government, the new heads of the OPs are very insecure – some of them we knew previously and they were very cooperative and talkative, now they seem to be afraid to speak to NGOs.

Furthermore, there are a number of proposals in the working groups that remain unanswered; in other cases replies on submitted positions are very basic and/or barely comprehensible.

Requested documents, too, have gone unanswered – e.g., an analysis of the need for financial instruments in the next programming period was due from the Ministry of Finance in November but has so far not been released to the working groups. Very few progressive proposals – most notably a range of measures proposed by the European Commission – have found a place in the draft OPs.

More widely, there is a marked tendency for no time to be allotted within the working groups for members of NGOs to present proposals – working groups generally have the feel of a monologue being conducted by the managing authorities.

Partners' daily grind

The empty highway cash-box

The OP managing authorities keep asking for money from Brussels for road construction, even though relevant partners – citizens groups and public transport associations – state that investment in new vehicles for public transport between the country's cities is much more needed.

At the end of December 2013, a draft Terms of Reference for a strategic environmental assessment of OP Transport was released to the working group for comments and suggestions, and Bankwatch's Bulgarian member group representative on this working group duly sent input and comments in January – some were approved, some rejected, and the SEA is expected in the next month or so. Of concern, however, is the fact that the secretariat of the working group has taken on the role of deciding which proposals are valid and which are not, (principally according to what they have already decided to be the text, strategy and projects of OP Transport). Yet the internal rules of this working group state that the secretariat should only facilitate the transfer of information, and any decisions should be taken only after voting.

The Czech Republic

Intermediate conclusions on the state of partnership in programming:

In the beginning, back in 2012, NGOs were not taken as serious partners and the Ministry of Regional Development (MRD) did not offer any meaningful way for participation in the programming process. Towards the end of 2012 NGOs were finally recognised as a legitimate partner and the MRD offered to allow them to participate in the Steering committees of Operational Programmes and invited them to select five people as representatives of NGOs in each OP. In some OPs, e.g. Environment, all these candidates were accepted for the main Steering committees. In others, sometimes only a single representative was accepted, and some of the NGO representatives were not allowed to participate in the Steering committees, only in thematically limited working groups, e.g., on social enterprise or renewables, which significantly limited their ability to influence the final form of the Operational Programme.

In most OPs, some NGO comments were accepted and a comments' settlement process was prepared. This, however, is mostly in place for smaller, more technical comments. More substantial comments, changing the priorities of the OPs, including new areas of intervention or reasoning for excluding others were not accepted. It would appear that the government has prepared the principal OP and interventions structure itself in cooperation with certain partners such as the Business Chamber or cities – NGOs were only allowed to make small adjustments. With the programming now almost at an end, this situation remains and prime flaws in the OPs and the Partnership Agreement that have been identified by NGOs, such as large support for waste incineration, a lack of support for education for green jobs or very selective support for renewable energy, have not been changed. With the arrival of a new Czech government, however, we hope that this may lead to improvements in these areas.

In higher governing bodies, such as the Council for ESI Funds and the Council for Partnership Agreement Preparation, very limited NGO participation and the lack of official commenting processes with clear documents and sufficient opportunities led to the lack of a working partnership from the outset. The main principles of the Partnership Agreement were prepared long before any NGOs could influence the process. As a result of concerted NGO advocacy, the Ministry of Regional Development finally fully opened the Partnership Agreement to partners' comments and organised a meeting to settle them. However, important parts of the PA, such as the implementation of the sustainable development principle, a clear strategy for climate mainstreaming and support for renewables (that partners requested to be specified) are still not developed.

Enormous loss of public funds has been caused by inefficient and intransparent project implementation in the programming period 2007 – 2013. This is a lesson that must be learned in the Czech Republic. Transparency, public scrutiny and proper participatory planning are necessary conditions in order to improve both in financial transparency and real added-value of the projects. Quality participation, however, requires also investment of capacities and time from the partners. During the preparation of the programmes 2014 –2020 NGO networks have been continuously asking the Ministry of Regional Development for opening the talks on how partners could be financed through technical assistance. But the new Czech government, which would like to be portrayed as

a strong actor in transparency and anti-corruption measures, seems to continue in the direction of the past one, at least in assigning technical assistance to partners contributing to the programming, implementation and monitoring of the ESI Funds. The Ministry of Regional Development continues to refuse to assign any finance from technical assistance to capacity building for the proper participation of partners.

Also, in spite of NGO requests, community led local development (CLLD) remains limited to rural areas, restricting the potential for local partners over the ESI funds' investments in their respective localities.

The new government, nominated in February 2014, declared to look again at the principles and main priorities of the PA, as well as to the financial allocations. NGOs will be closely following their movements in this regard – from our point of view it is vital to ensure real partnership in the final phase of OP preparation and to fully address substantial comments of partners in the PA and OPs drafting process.

Partners' daily grind

Selection of "relevant" partners

During a meeting in the Ministry of Regional Development in 2012 the demand for including NGOs as partners into the programming process was responded to by one ministry representative in a quite optimistic manner regarding public interest:

“Do you know how many NGOs there are in the Czech Republic? 72,000. If we wanted to include them into programming, we would have to rent the world championship ice-hockey arena.”

In the meantime the ministry took on board the fact that there are umbrella NGOs, and now accepts some individuals representing NGOs in most of the processes.

NGOs have been asking too for the implementation of community local led development (CLLD) outside of rural areas, which implies the use of not only EAFRD, but also the other ESI funds. Yet the Ministry of Regional Development continues to refuse to allow this, in spite of consistent pressure. It argues that

the Common provisions read “(CLLD) may be supported by the ERDF, ESF or EMFF”, not that CLLD “shall” be supported by these funds. Undoubtedly this is correct, yet the entrenched position of the ministry shows that their reading of “may be” is rather “must not be”, as it will not allow CLLD in urban areas.

Estonia

Intermediate conclusions on the state of partnership in programming

The main governmental body responsible for programming in Estonia is the Ministry of Finance. It has been its task to coordinate it with other ministries, to provide an overall framework for engaging the partners in the process and to issue timely and relevant information for different stakeholders and the general public.

The process itself and accompanying documents have been covered and publicised on the website of the EU funds (www.strukturifondid.ee/el-toetused-2014-2020/) in Estonian. According to information contained there, the process has been quite transparent – there is the overall framework for the engagement of the partners to the process, the contacts of the people in the different ministries responsible for different areas in the OPs, and also the list of different stakeholders who have been invited by these ministries to have their say in the PA and OPs.

However, the process in reality has thrown up different deficiencies that cannot be overlooked. In general there has been keen interest from both the ministries and the partners that the documents be quickly and efficiently processed, approved and implemented. In this regard, the Ministry of Finance has provided the other ministries with a lot of freedom to shape the engagement process.

Due to this decentralisation, the quality of the engagement of partners has varied a lot in different fields and under different ministries. Also, the fact that there is a recommended list of partners for each ministry has somewhat narrowed the scope of stakeholders who might actually have had an interest in the process and whose recommendations could be taken into account.

Here the pro-active approach from those partners who initially were left out from the process, and who wanted to be involved in the process, has proven to be crucial. For example, environmental organisations have been rather well incorporated in the process and their recommendations have been taken into account where possible, because there has been strong interest from both the ministry's side and from the organisations themselves. Moreover, the Ministry of Social Affairs has worked well to engage partners, only there problems have cropped up related to the capacity (or otherwise) of the partners to take part in policy-making processes.

The centralised activities coordinated by the Ministry of Finance have been in the form of information days in the ministry and have focused on providing an overview of the process as well as an action plan on what will be done, and how. Nevertheless, no discussion or debate over the content of the partnership principle has taken place – it has been a more top-down “notification of the partners”.

As the Estonian civil society umbrella organisation Network of Estonian Non-profit Organisations (NENO) was not included in the initial round of partners, it has had to establish contact with the Ministry of Finance and practically negotiate its engagement in the process. NENO has tried to find other interested umbrella organisations and civil society networks who could be interested in engaging in the programming process.

However, interest from organisations left out of the initial partners' list has been weak. Only the National Youth Council, the Estonian Village Movement Kodukant and the Estonian Social Enterprises Network have got behind some of the initiatives proposed by NENO.

Regarding the transparency of information about the ongoing process, up to autumn 2013 partners were more or less aware of the timelines and the general framework of the PA and OPs, but since November there has been no official information from the Ministry of Finance.

Thus a lot of information regarding the present state of the documents is informal and based on private discussions with different officials in different ministries. There is a lack of up-to-date public information, the deadlines are

shifting from the initially announced ones and partners are unaware of the contents of the relevant documents as well as the latest timelines.

The latest informal information suggests that the PA and OPs should be with the national parliament by the beginning of February. As the Ministry of Justice is also in the process of preparing the law on EU funds, other ministries are thus on hold when it comes to engaging partners. Only the Ministry of Education has started to prepare their engagement plan.

Partners' daily grind

Environmental NGOs have been actively engaged, but their recommendations are taken into account only partially and in generalised ways

The Estonian Fund for Nature, together with the Estonian Green Movement, has been actively involved in the programming since 2012. The Ministry of Environment has welcomed them as partners in the process, but the recommendations made by the environmental organisations have been taken into account only in a generalised way, and in several instances the allocation of funds is questionable (e.g. investments for the research and development of green energy).

No discussion over the content of partnership principle

The representatives of the Network of Estonian Non-profit Organisations have revealed that there have been no substantial discussions over the partnership principle, leading to the situation where the involvement of partners varies substantially among ministries. Thus the input from partners is questionable.

The circle of partners is prescribed by the ministries

From the very outset of the process every ministry had a prescribed list of partners who they would involve in the programming process. In some cases these lists were justified, in some not. Only a little public awareness work has been carried out by the state in order to enable access to the process for all interested partners.

Hungary

Intermediate conclusions on the state of partnership in programming

The programming in Hungary started without any public information on the partnership; partners described the process as being not transparent. The application of the partnership principle and code of conduct is not clear; the management of planning and programming is mostly dictated by government decisions. Bankwatch member group MTVSZ sent recommendations and principles on partnership to the relevant ministries in 2012.

The Ministry for National Economy invited some "expert/professional partners" for a consultation meeting on the draft PA and the programming process in June 2013. No material was sent to the invitees beforehand. After the meeting, the participants received the draft PA with the opportunity to comment on it by June 30. On that same day Hungary submitted the PA to the European Commission (alas without including partners' comments). In August the ministry organised an open public consultation about the draft PA – the outcomes of the consultation remain unknown, even at the beginning of 2014.

Regarding operational programmes, only the Rural Development OP was opened for consultation. The government failed to involve any environmental NGOs in the preparation of other OPs, contradicting the recent draft PA that refers to earlier involvement of environmental NGOs.

Monitoring committees set up and running for the 2007–2013 period – where NGO representatives are members – were also not involved in the new programming process.

In November 2013, the government published some of the OPs on its website, and announced a public consultation process for everyone. There was no prior announcement, and no consultation on the process and the timetable of the consultation. NGOs and the public could not prepare for the commenting. The only way to send comments was through the website of the National Development Agency, where all comments and proposals were published with the name of the author.

In December the last OP, the Energy and Energy Efficiency OP, was also published and the deadline for commenting on all the OPs was postponed, giving sufficient time for reading the documents. In parallel with the online process, one partnership forum was organised for each of the OPs by the government in Budapest. However, as the OPs were by then in an advanced stage, the impact of the partnership process is unclear. All the same, the communication from the government was clear: the funding allocations could not be changed. According to the website of the National Development Agency: “Everybody will be notified about the outcomes of the consultation, and about the inclusion of the proposals in e-mail – after the government has accepted the OPs.”

Partners' daily grind

“Closed” public consultation

The collection of project ideas is currently taking place on county level. Aim is to support the planning process, and to have elaborated project plans to begin the implementation as soon as possible after the adoption of the Operational Programs. In some counties it is done openly, and thousands of project ideas have been collected in a transparent manner. Elsewhere, the public and NGOs were not informed about the process at all. In one of the counties „closed” public consultations are held – exact wording from the county’s official website. The dates of the „closed” public consultations are published, but the places are kept in secret.

Latvia

Intermediate conclusions on the state of partnership in programming

There are opportunities for providing input to the programming process, although the overall framework is not very clear and sometimes confusing (several deadlines for commenting on the same document). It has been much welcomed by partners that draft programming documents have been made available in various stages of the process and public consultations have been conducted on the Partnership Agreement (PA) and the Operational Programme (OP). Providing feedback to NGO contributions has been getting more problematic with programming speeding up and the increasing complexity of

the technical aspects; answers on partners' contributions are still due. Furthermore as a result of the strict deadlines for commenting on the latest versions of OP to be presented at a coordination meeting in December 2013, there were even no answers to the latest written recommendations by NGOs. As an argument for not taking them into account, the Ministry of Agriculture said that it hadn't read them all yet. However, the comments were not included in the next report on objections raised over the draft version of OP, nor were they answered (as of January 2014).

Often communication can be described as one way, meaning that there is no argumentation as to why a comment or proposal has not been taken into account. Many questions and comments proposed by NGOs are postponed to the next programming stage with comments such as "We will discuss this at the next level when preparing regulations in the Cabinet of Ministers". It should be stressed that while the European Commission requires the partnership principle to be integral to the development of the OP, there are no such requirements for Cabinet of Ministers regulation development in Latvia, and it is often very difficult for NGOs to be able to comment on regulations.

The efficiency of partnership has often been dependent on the relationship between NGOs and the relevant ministry. It has worked out best when NGOs and the relevant ministry can reach agreement on problematic issues bilaterally. In other situations it has been virtually impossible to have meaningful partnership in terms of impact, and the Ministry of Finance has not been trying to mediate the process, but left everything to the line ministries. Here NGO involvement was different in each ministry. The process in the Ministry of Environment was quite positive, whereas in the Ministry of Agriculture and in the Ministry of Education they mostly would involve and listen to 'friendly' NGOs. The Ministry of Agriculture even avoided showing the public the new Rural Development Plan for NGOs despite it being often requested. Only when addressing specific proposals and comments for the OP was there a response from the Ministry of Agriculture that sent the specifically related part of the plan cut out of the overall document.

Even more, the Ministry of Agriculture involved into the planning of Development Plan and guidelines for RDP payments agricultural stakeholders only and avoided on share this processes to the public. It is necessary to involve especially environmental NGOs to ensure sustainable implementation of EU

Funds. It is known that so far there have been 6 meetings about the guidelines and criteria for RDP payments and the information what have been discussed is unknown for public. In this way, without transparency of the RDP into the EU Funds planning process, it is not possible to access the whole environmental dimension of the EU funds.

On the other hand, a good example was set by the Ministry of Environment which organised workshops for different stakeholders on each measure that they were responsible for. NGOs could comment and update initial drafts, and the ministry sought consensus.

Instead of the SEA process serving as a safeguard mechanism for the environment, what KPMG (a consultancy firm commissioned to conduct the Strategic Environmental Assessment) produced for Latvia in 2013 was a document that views environmental protection as a hurdle (see the full case description at: <http://bankwatch.org/news-media/blog/all-sea-key-assessment-eu-funds-programmes-latvia-fails-address-environmental-concer>). After partners' repeated calls, the Ministry of Finance convened a meeting with the result that a more integrated approach was planned, and, with the help of Ministry of Environment, will make sure that the environment is properly reflected as a horizontal priority and integrated in other programmes. NGOs need to have sufficient capacity to be able to follow the programming process and provide input when necessary. It has worked well in situations when one member of the NGO community takes the lead on following the process in detail and sends regular updates to other NGOs alerting about deadlines for commenting and necessary actions.

Latvian authorities aim to strengthen of the administrative capacity of ESI Funds, using Technical Assistance to ensure the effectiveness of planning and implementing ESI Funds and the orientation towards results, providing for support to increasing capacity of the institutions involved in the administration, including partners which is a significant factor determining the successful introduction of the Funds.

Plans on how to support partners and NGOs in Latvia, especially for those taking part in the Monitoring Committee, are under preparation; the aim is to increase the capacity of members of Committee by organizing specific study courses and trainings. Salaries and other support for participation in the Committee are not

planned as it is considered to be a risk of conflict of interest. Minister of Finance in the discussion on 28th of February answered that there is a need to do researches and find some more information about the best practice examples how to provide the support for NGOs in order to strengthen cooperation between authorities responsible for spending EU Structural and investment funds. After that Ministry of Finance promised to provide information on how and what kind of support will be available for the NGOs and especially those taking part in the Monitoring Committee. This is planned to be announced only by autumn of this year! However there is already enough information available on the best practices on implementation of partnership principle and it is necessary for Managing Authority to take action as soon as possible, especially regarding the regulations of Cabinet of Ministers programming for each project tenders.

At the moment there are proposals for NGOs to take part in the project evaluation processes by evaluating the projects funded by Society Integration Foundation. It is planned that in the evaluation team there will be 4 persons in total: 2 persons representing NGOs and other 2 persons from the Ministry of Culture and Society Integration Foundation each. In this situation for the same duties administrative staff will receive the salary for evaluating project when NGOs are doing it for free. Environmental NGOs consider this situation as unfair and are looking forward to receive any kind of support to ensure partners are effectively involved in all phase of the process, i.e. from the preparation and throughout the implementation, including monitoring and evaluation, of all programs.

Partners' daily grind

Greenwashing

Often the linkage between specific objective and investment priority has been described very positively whereas the supported activities in fact sound rather disappointing. Greenwashing has also been evidenced in Latvia's response to European Commission comments on the second version of the OP 2: the essential meaning of the text is not much changed although the sentences look more green and sustainable than previously.

Comments will be considered in 2020

Latvian Fund for Nature submitted proposals for measures on biodiversity preservation to be included in the Rural Development Programme. The Ministry of Agriculture responded that they would consider these proposals when preparing programming documents for the 2021–2027 programming period.

Confusing deadlines

There were several deadlines given for commenting on the second draft of the Operational Programme: members of the Temporary monitoring committee were asked to send in comments by August 9; in the official policy planning process the deadline was August 16; while for the general public the deadline was given as August 28.

Ridiculously short deadline

Environmental NGOs approached the Ministry of Environment regularly asking to be given the opportunity to provide a contribution to the draft Annex to the OP once it became available from the Ministry of Finance. Finally, on July 9, it was received at 14:05, with a request for reactions by 17:00 that same day. The document is 367 pages long and it was the first time NGOs had seen it.

Poland

NGO experiences with partnership in programming are mixed at this point and depend very much on the individual approach of an institution or official in charge. This only proves that a standard code of conduct on partnership should be strong and binding, because partnership should not depend on the good will of one person or department.

Currently, the biggest flaw in the partnership process appears to be the **lack of response to written comments submitted by partners to the draft Partnership Agreement**. Public consultations ended in August, but the official response has still not been released, although in the meantime the PA was amended and adopted by the government as the basis for negotiations with the EC.

This discourages partners from participating in such consultations in the future and illustrates how (not) serious the government is about consulting future EU funds with partners from civil society and elsewhere. It seems that the inter-ministerial battles over the allocations and principles of spending Poland's big pot of EU money has exhausted all the energy and capacity of the Ministry of Infrastructure and Development, and there was nothing left in the tank for serious dialogue with partners concerning the PA – the most important framework document.

NGOs participated, or still participate, in most working groups for the future Operational Programmes. There are mixed experiences with this process. For many OPs the working group meetings resemble rather big conferences with presentations from authorities and a limited number of questions from the audience. Certainly this kind of process does not allow for any attempt to build consensus around the most important principles and issues relevant to individual OPs. Stakeholders receive information and are allowed to discuss, but it is not a process of preparing a draft document which all relevant parties could support and then “own”.

This was certainly the case with the EU's largest OP, the Polish Infrastructure & Environment programme. Working group meetings were held only up to August 2013 and after that a draft version was released for consultations, although agreement was not reached on very fundamental issues, not only between the Managing Authority and social partners, but even among the ministries themselves.

Nevertheless, there are some cases of good practice and the inclusion of NGO comments in subsequent drafts of the OPs. This concerns mainly the national OP financed from ESF, as well as the separate Technical Assistance OP. NGOs were able to secure measures for the capacity building of civil society in both programmes. This was a result on the one hand of the time invested by NGOs to work on this (strong National Federation of NGOs), and the openness of relevant Managing Authorities on the other hand.

Addressing NGOs' necessities some opportunities for supporting partners' capacities have been introduced in OP Technical Assistance. Support for members of Monitoring Committees will provide in reimbursing travel costs, trainings, expertise, costs of organising working groups and thematic networks. In addition NGOs, along with local authorities might receive support for capacity building in case they are beneficiaries of EU funds, especially assistance in preparing (large) projects. NGOs can participate in competitions regarding information & promotion campaigns regarding EU funds 2014–2020. And there are provisions in the Central OP financed from the European Social Fund including a separate allocation dedicated to capacity building for social partners. However, it is not yet specified what will be the concrete allocation and eligible measures.

Slovakia

Intermediate conclusions on the state of partnership in programming

Ministries have established official partnership groups consisting of key stakeholders – meetings were called for each milestone in OP preparation. Members had the possibility to negotiate their inputs bilaterally with the relevant ministries. The level of openness to, and access for, NGOs differs.

The Ministry of Environment, Ministry of Economy, Ministry of Interior Affairs and Ministry of Transport have been good in communicating reactions to proposed inputs and demands. The Ministry of Labour and the Ministry of Education, however, have been lagging behind with very little open agenda and with very few and delayed meetings.

The whole process has been ad hoc, with no involvement of partners in the actual preparation of documents. The number of amendments based on inputs from stakeholders differs, but is rather limited in all cases. Existing best examples in the dialogue with partners, the processing and incorporation of contributions and evaluation of inputs, is not being taken into account by the Ministry of Interior Affairs responsible for OP Efficient Public Governance and the Ministries of the Environment and Economy responsible for OP Quality of Environment.

Preparation of the PA was kept outside of the partner dialogue. A public consultation was launched regarding investment priorities, yet no clear follow-up process to the consultation has materialised.

Meetings and presentations were convened only at stages where it was not possible to influence the content, as was the case in the latest phase in December and January. The final version, already sent to the Commission and posted for intra-governmental commenting, will be presented to partners on January 31.

The Plenipotentiary for Civil Society has proven to be a powerful ally. This office plays an important role during programming. As a government office representative, he has access to all internal procedures and fora. A lot has been achieved through his office, including the creation of working groups and nominations that have been respected by the government, as well as actual contributions to OP architecture, setup and content. The problem is that the success depends on the individual person rather than on the office itself.

Civil society actors are still viewed only from the point of view of bottom line requests required by EU legislation. The relationship between the public sector and NGOs is still very weak and is not a priority for the state administration. The perception of NGOs is biased and based on prejudices and hurt feelings from conflicts in individual controversial cases where the state and NGOs stood against each other. Acceptance of NGOs as professional, expert non-state actors providing services for common good is nowhere near. That is why NGOs will not enjoy equal footing with SMEs, academics or municipalities in the next programming period.

The use of Technical Assistance for partners in Slovakia is still under discussion, although clear priority it set for the improvement of the management capacities during the implementation and only managing authorities should be eligible. However, partner's' role in public control related activities is acknowledged, and several options for support for partners this regard are under consideration.



Partners' daily grind

Civil society only as a brand

NGOs have been largely eliminated as real effective potential beneficiaries and partners in public policy implementation and public control. The texts of the Partnership Agreement were indeed weakened and do not permit any mechanisms for the inclusion of partners other than the basic declaration that references article 5 of the Common Regulation. This change of wind has also affected the behaviour of ministerial staff who now practically avoid any meetings, even though in autumn 2013 plans were announced for wide cooperation on issues such as global grant implementation, public control, the eligibility of NGOs, technical support for capacity building, etc. This development is alarming.