

## Partnership within cohesion policy

### SUMMARY

Helping to give stakeholders a voice in decisions that concern them directly, the partnership principle lies at the heart of the EU's cohesion policy and plays an important role in enforcing the legitimacy of EU policymaking. Although already well-established in previous periods, it was strengthened in the 2014-2020 cohesion policy framework, with the Common Provisions Regulation requiring the creation of partnerships for all European and Structural Investment Fund (ESIF) programmes and a new European Code of Conduct on Partnership identifying principles for ensuring that the involvement of partners in cohesion programming and delivery is timely, meaningful and transparent.

While a 2016 European Commission study found that the level of stakeholder involvement has improved since the 2007-2013 period, the view among stakeholders such as local and regional authorities, economic and social partners and civil society organisations has been more mixed. Key problem areas include concerns regarding how partners are selected, the quality of the consultation process and the low take-up of stakeholders' views. This suggests a need for tighter measures to ensure improved partnerships in the future and, as negotiations get underway on the shape of cohesion policy post 2020, stakeholders have called for the partnership principle to be strengthened in the next programming period.

In June 2017, Parliament adopted a resolution on increasing engagement of partners and visibility in the performance of European Structural and Investment Funds. Appreciating the value that partnership adds to the implementation of EU public policies, Parliament argues that the partnership principle and multi-level governance model can contribute to better communication of EU policy objectives and results.



### In this briefing:

- Introduction
- Legal background
- Assessing implementation of the partnership principle
- Institutional voices in the debate
- Outlook
- Main references

## Introduction

In the context of the EU's structural funds, partnership involves facilitating the participation of a broad range of stakeholders in cohesion programming and in the design, delivery and monitoring of cohesion documents, such as operational programmes (OPs) and partnership agreements (PAs), to ensure that cohesion policy reflects as wide a range of views as possible. This approach, the partnership principle, lies at the very heart of the EU's cohesion policy and plays an important role in enforcing the legitimacy of EU policymaking by giving stakeholders a voice in decisions on funding measures that concern them directly.

## Legal background

Building on the lessons of previous programming periods, cohesion policy was extensively reformed in 2013 to help ensure the more strategic and effective use of EU funding through the introduction of a common set of rules for all five European and Structural Investments Funds, the [Common Provisions Regulation](#) (CPR). This document, which establishes a link between these funds and the Europe 2020 strategy by identifying 11 thematic objectives aligned to the [five headline targets](#) of Europe 2020, introduces a framework setting out a series of more focused policies, robust results-oriented measures and strong pre-conditions for investments, with the partnership principle outlined as one of the key conditions for the successful delivery of the ESIFs.

Although already well-established in earlier programming periods, the partnership principle has been significantly strengthened under the 2014-2020 cohesion policy framework. In accordance with [Article 5 of the CPR](#), Member States are required to organise a partnership for each ESIF OP and the PA with relevant partners, including urban and other public authorities, economic and social partners, and civil society bodies. These partners should be involved at all stages of the programming process, such as in the preparation, implementation and monitoring of PAs and OPs. To help embed the partnership principle further, Article 5 also empowered the Commission to adopt a delegated act to introduce a European code of conduct on partnership.

### European Code of Conduct on Partnership (ECCP)

Established under Commission Delegated [Regulation](#) No 240/2014 of 7 January 2014, the ECCP aims to support Member States with the organisation of partnerships, identifying a number of key principles in this respect. The selected partners should be the most representative of the relevant stakeholders and the selection procedures need to be transparent and take account of Member States' individual institutional and legal frameworks. Partners should include those that can significantly influence or be significantly influenced by the implementation of the PA and programmes, with particular attention paid to the most vulnerable and marginalised groups, while account should also be taken of the differences between PAs and programmes when selecting partners in general. In particular, the code of conduct sets out main principles and good practices on the timely, meaningful and transparent consultation of the partners on the analysis of challenges and needs to be tackled, the selection of objectives and priorities in the PAs, and programmes to address them. These include ensuring the timely disclosure of and easy access to information, providing channels through which partners can share their views, involving partners in the analysis of development needs or the selection of thematic objectives when preparing the PA, or, when preparing programmes, involving partners in decisions on the allocation of funding or the definition of programmes' specific indicators.

Having considered the rules on partnership as set out in the 2014-2020 cohesion policy framework, it will be useful to examine how the various players involved consider that the partnership principle is being implemented in practice across the Member States.

### **Assessing implementation of the partnership principle**

#### **European Commission**

The July 2016 European Commission [study](#) on the implementation of the partnership principle and multi-level governance in the 2014-2020 ESIFs argues that the partnership principle has been satisfactorily upheld in a large number of countries and programmes. The report finds that, in general, procedures for identifying partners have been transparent and background documentation was made available on a timely basis, while an adequate amount of time was set aside for the public consultation process. Overall, while differences do exist between countries and types of programmes, the findings suggest that partnerships for PAs and OPs cover all kinds of partners. During the programming phase, partners were highly involved in operational programmes and partnership agreements in all countries, with partners usually active in identifying thematic objectives, in developing programme priorities and in the needs analysis process. Although the study shows that some Member States faced difficulties with ensuring sufficient time for partner involvement, partners' concerns were usually taken into account in PAs. The report also puts forward suggestions for improving partnerships in future, such as providing sufficient resources for managing partnerships, arranging for regular follow-up and assessment of planned actions to involve partners in the implementation process, and adopting measures to support capacity building to help partnerships adapt to their changing roles. According to the document, virtually all programmes included some form of partner involvement during the implementation phase, primarily by inviting them to participate in committee work; yet there were differences in terms of the involvement of individual partners, with public authorities more widely represented than civil society or social and economic partners.

In general, however, the study argues that the level of stakeholder involvement has improved since the 2007-2013 programming period. The new legal framework has raised awareness of the partnership principle and ensured that it has remained on the agenda during programming, while the partnership principle itself brings added value by applying stakeholders' experience and knowledge during decision-making, which helps to boost ownership of the process and, ultimately, facilitates implementation. The view among certain stakeholders has been rather more mixed, however.

#### **Competent regional, local, urban and other public authorities**

One of the most extensive assessments of the extent to which local and regional authorities are involved in the partnerships established as part of the ESIF programming cycle is found in a [report](#) by the Council of European Municipalities and Regions (CEMR) entitled 'Planning of EU Structural Funds: Is local government treated as a real partner?'. Drawing on the results of a questionnaire, which covered CEMR members, national associations of local and regional authorities in 18 Member States, the report finds that despite progress in many countries compared with the 2007-2013 period, there is still plenty of room for improvement, noting that the binding provisions on partnership, as set out in the ECCP, are fully or partially applied in only just over three quarters of all countries. As highlighted in the document, the participation of associations of local and regional authorities in preparing PAs and OPs has been irregular while their participation was often possible only on account of their active lobbying of central government.

Associations of local and regional authorities took part, in most cases, in discussions with central government, such as through working groups for the drafting of partnership agreements, which met on a regular basis in most countries. However, the process was far from perfect and the report pinpoints a number of problem areas. Respondents from certain countries felt that the size of the working groups meant that it was difficult for local and regional authorities to put forward their views and that such meetings were more suitable for information sharing than for decision-making. In some countries, meanwhile, local and regional authorities were asked to participate in consultative meetings attended by many different partners, such as NGOs, trade unions and others, which suggests that central government consider them to be ordinary stakeholders, with the CEMR emphasising that mixing local and regional authorities with numerous civil society organisations throughout the process calls into question local government's role as an important delivery partner. In addition, the survey reveals that in most countries, local government associations did not have sufficient time to send their contributions to the draft PA, as in most cases the document was not sent out sufficiently far in advance.

Similarly to the CEMR report, a 2015 [study](#) by the Conference of Peripheral Maritime Regions of Europe (CPMR) entitled 'EU Cohesion policy, partnership and the regions: a step forward or unfinished business?' also reveals a high level of regional participation in cohesion policy programming compared with the previous period. Based on a survey covering peripheral and maritime regions from 16 EU Member States, the report notes, however, that while most respondents were highly involved in cohesion policy, including through their appointment as managing authorities or intermediate bodies, this had not necessarily led to them being given any greater responsibilities. According to the report, although the participation of regions in cohesion policy is guaranteed under Article 5 of the CPR and the ECCP, these provisions are very ambiguous and do not specify in any detail which partners should take part or the extent of their involvement, which means that the selection of partners and their responsibilities in the area of cohesion policy remains at the full discretion of the Member States.

### **Economic and social partners**

The findings of a 2015 [survey](#) conducted by the European Trade Union Confederation, Business Europe and the European Association of Craft, Small and Medium-sized Enterprises across 22 Member States provide useful insight as regards the involvement of economic and social partners in the implementation of the ECCP. In terms of participation in the consultation and drafting process, the survey reveals that the initial level of consultation was considered to be broadly satisfactory or good, and that the process gave partners the opportunity to share their views. Respondents felt, however, that they lacked any permanent involvement and thus any impact on decision-making outside the framework of consultation meetings. In addition, the public consultations were not always considered to have been satisfactory or sufficient, while the social partners themselves felt that they were often only formally consulted alongside a range of other groups. Regarding the extent of their involvement, social and economic partners in half of all the countries surveyed took a positive view of their participation, with partners in 10 countries confirming that they took part in national monitoring committees. On a less positive note, several countries pointed to a lack of any balanced representation of large, medium-sized and small companies. This generally positive experience was more evident in the case of the European Social Fund (ESF) than other funds such as the European Regional Development Fund (ERDF), with the survey highlighting the need for a strategic approach to involving partners. With regard to

content and outcomes, the survey reveals a lack of adequate involvement during the process, as evidenced by limited social partner input and low uptake of their views, with the opinions of the social partners fully taken into account in only three countries and low social partner involvement when selecting priorities. Respondents argue that this has meant that it has not been possible to attain the full added value of ESF in those policy areas where social partners can make a contribution, with these mixed results reflecting the fact that public consultations in some countries lack any real exchange of views.

### **Bodies representing civil society**

Civil society organisations put forward a similarly mixed picture regarding the implementation of the partnership principle. The 2016 barometer [report](#) by the European Anti-Poverty Network (EAPN), an NGO active in the area of fighting poverty, notes that while the ECCP is in place in the majority of Member States, NGOs' level of engagement is generally very low, with these organisations also expressing low levels of satisfaction regarding the actual quality of their engagement. According to the report, which sets out the findings of a broad consultation carried out by the EAPN, the process of consultation was only formal in nature in some countries, such as Portugal, Bulgaria, Ireland or Slovakia, with respondents noting that certain partners, such as trade unions, were in a stronger position to take part than others. The report also argues that the actual process used to establish the partnership also lacked transparency in some countries, leading, for instance, to a lack of balance in the ratio between stakeholders in certain Member States. The report considers that there was a low level of involvement by the EAPN's national coordinators in the drafting of PAs. Although nine out of 16 networks responding to the survey participated in drafting the partnership agreement, most stated that their contributions were not taken into account, with a similar situation evident regarding their involvement in the drafting of OPs, where only four countries confirmed that their input was taken on board.

A 2015 [briefing](#) by the European Network of Independent Living – European Coalition for Community Living also finds that implementation of the partnership principle continues to be inadequate. In particular, it notes that consultation is often limited to larger umbrella organisations and service-providers such as National Disability Councils. Since such bodies do not always represent a broad range of views, this can lead to the over-representation of the interests of certain groups over others and mean that in some areas of interest, such as deinstitutionalisation, the people who are the most concerned do not have a voice.

## **Institutional voices in the debate**

### **European Parliament**

With the results of a 2015 Eurobarometer [report](#) on regional policy revealing that only 34 % of Europeans are aware of EU-funded projects that have improved the quality of life in their local area, there can be little doubt that there is a need to improve communication about the European project and to draw attention to the added value provided by EU funding. While, in a context of growing Euroscepticism, it is becoming increasingly difficult to put this message across, the partnership principle has the potential to play a key role in the process. This point was highlighted by Parliament's June 2017 [resolution](#) on increasing the engagement of partners and visibility in the performance of the European Structural and Investment Funds (see box) (rapporteur: Daniel Buda, EPP, Romania), which argues that the partnership principle and the multi-level governance model can contribute effectively to communicating EU policy objectives and results more

effectively. Stressing that it is vital to increase ownership of the policy on the ground so as to ensure efficient delivery and communication of results, the EP considers that public authorities need to involve stakeholders in all negotiation and implementation phases of cohesion policy. Parliament welcomes the innovative model of multilevel and multi-stakeholder cooperation put forward by the EU urban agenda and recommends its utilisation in the implementation of cohesion policy, calling on Member States to consider implementing existing models of participatory governance to increase the mutual trust and engagement of citizens.

**European Parliament resolution on increasing the engagement of partners and visibility in the performance of the European Structural and Investment Funds**

Noting that providing visibility for a policy involves a dual process of communication and interaction with partners, the EP argues that to ensure legitimacy and provide effective long-term solutions, public authorities need to involve relevant stakeholders during all negotiation and implementation stages of the PA and OPs, in line with the partnership principle. While appreciating that the partnership principle adds value to the implementation of European public policies, Parliament stresses that it remains somewhat difficult to mobilise partners in certain cases owing to the partnership principle being implemented formally yet in a way that does not allow any real participation in the governance process. In this context, it notes that more efforts and resources should be invested in partnership involvement and in the exchange of experiences. The EP highlights the role of the partnership principle in enhancing collective commitment to and ownership of cohesion policy and calls for the link between public authorities and citizens to be strengthened through open dialogue, and for the composition of partnerships to be altered, where necessary, during implementation, with a view to ensuring the right mix of partners to represent community interests at all stages of the process.

Parliament calls for the partnership principle to be further strengthened within the framework of the post 2020 programming period and emphasises that actively engaging stakeholders in the process of negotiating and implementing the PA and OPs could contribute to enhancing the ownership and transparency of policy implementation.

In its February 2017 [resolution](#) 'Investing in jobs and growth — maximising the contribution of ESIF', Parliament welcomes the ECCP and notes that it has improved implementation of the partnership principle in most Member States, but regrets the way many Member States have centralised large parts of the negotiation and implementation of the PAs and OPs. It also stresses the need to involve regional and local authorities and other stakeholders at all stages, and calls for their real participation to be guaranteed in a way that works with countries' specific structures, highlighting also the need for clarity from the Commission on the performance of countries and regions on the Article 5 principles, with an emphasis on how governments can be encouraged to fully apply the partnership principle.

**Advisory bodies**

In its 2015 [opinion](#) on the outcome of the negotiations on the PAs and OPs, the Committee of the Regions notes that cohesion policy reform has strengthened the provisions on partnership. Recalling the fundamental principles and objectives of its 2014 [Charter for Multilevel Governance](#) (MLG), a document that calls on EU cities and regions to sign up to the use and promotion of MLG in their policymaking processes, the Committee welcomes the ECCP as the first ever piece of legally enforceable EU legislation dealing with multilevel governance. The opinion points out that the partnership principle is not an empty concept but a precondition for the success of cohesion policy as competences are distributed between at least three policy levels (EU, Member States and

regional and local authorities (LRAs)). In spite of this positive assessment, the Committee also notes that the negotiations on the PAs and OPs have revealed that while LRAs were consulted in most cases, their involvement did not amount to full partnership as outlined in the European Code of Conduct on Partnership. The Committee regrets that LRAs have rarely been sufficiently involved in drafting the PAs and OPs as their role is often more that of a stakeholder rather than that of a partner. The Committee also considers that the late adoption of the cohesion policy legislative package and the underestimation of the time Member States and LRAs need for highly complex programming in the adoption of the PAs and OPs have led to purely superficial partnerships being established. In this context, the Committee calls on the Commission to involve local and regional authorities earlier in the negotiation process and to make it possible for them to draw up their own 'Regional PA' as part of the PA concluded at national level, noting that the partnership principle may be strengthened by the Commission examining the operating mechanisms and identifying best practices on issues such as the time needed for programming.

While praising the Commission for taking a step forward in adopting the ECCP, the European Economic and Social Committee (EESC) 2016 [opinion](#) on Investing in Jobs and Growth – maximising the contribution of the ESIF raised a number of concerns about how these regulations and approaches are applied in the Member States, noting that the various practices employed nationally place social partners from different countries in an unequal position. Emphasising that the ECCP is not fully implemented and respected by all countries, it proposes to the Commission that more specific provisions and measures be put in place to avoid these different practices at national level.

## Outlook

Although different stakeholders clearly face a diverse range of obstacles in creating meaningful partnerships, a number of challenges may be identified that are common to many of the partners involved. As negotiations get underway on the future shape of cohesion policy post 2020, these findings can provide useful food for thought and help feed into the discussions on the shape of cohesion policy post 2020 and the importance of the partnership principle within this structure.

One of the key problems raised is the lack of balance among the stakeholders represented and the resultant overrepresentation of certain groups. Closely linked to this are concerns over how exactly partners are chosen, with civil society organisations pointing to a lack of transparency when selecting partners and local and regional authorities emphasising that decisions on which partners are chosen are often left to national level authorities. Another issue is the quality of the consultation process itself, with several partners emphasising that their involvement is limited to participation at consultation meetings attended by too many participants, making decision-making difficult and reducing their role to that of stakeholders rather than partners. For many, all of this is compounded by a lack of sufficient time for partner involvement, leading to the creation of superficial partnerships. Particularly worrying is the fact that stakeholders point to the low take-up of their views, with some partners stressing that PAs and OPs have taken on board their comments to only a limited extent.

Yet while the system may be far from perfect, numerous stakeholders have nonetheless called for the partnership principle to continue to be applied during the next programming period. In its March 2017 [statement](#) on the future of cohesion policy, Eurocities notes that the partnership principle is one of the cornerstones of a framework that empowers and supports cities and demands that future cohesion policy be based on

this principle in order to maximise its potential. Other players have highlighted the need to strengthen the partnership principle further in the future, with the ETUC [calling](#) in October 2016 for the proper implementation of the ECCP, stressing that it must be consistently improved in the programming period post 2020 and the CEMR [noting](#) that the central-local partnership principle should be improved, involving the local level to a greater extent, in order to ensure better ownership of ESIF on the ground. This point was also made in the European Parliament May 2017 [report](#) on building blocks for the future of cohesion policy, which recognises that although the partnership principle has led to closer cooperation with regional and local authorities in some Member States, there is still room for improvement in order to ensure the real and early involvement of all stakeholders.

All of this suggests that there is plenty of appetite among stakeholders to retain the partnership principle. Clearly, in light of the challenges raised by various partners, action needs to be taken to provide a framework that can ensure fuller implementation of the partnership principle in the post-2020 period. What is more, a stronger partnership principle can not only help reinforce the legitimacy of EU policymaking but, as has been highlighted by Parliament, can also contribute to improving communication of the results of EU policy by enhancing the transparency and ownership of policy implementation. One suggestion, put forward in the EP's resolution on increasing engagement of partners and visibility, could involve strengthening the partnership principle and the code of conduct in the future by introducing clear minimum requirements for partnership involvement. Yet with local and regional authorities noting that high involvement does not necessarily lead to any influence on documents such as PAs or OPs, questions remain, as to whether such moves will be sufficient to truly ensure full implementation of the partnership principle.

### Main references

European Commission, final [report](#) on the implementation of the partnership principle and multi-level governance in 2014-2020 ESI Funds, July 2016.

European Parliament, [resolution](#) on increasing engagement of partners and visibility in the performance of European Structural and Investment Funds (2016/2304(INI)), 18 May 2017.

Committee of the Regions, [opinion](#) on the outcome of the negotiations on the partnership agreements and operational programmes, 9 July 2015.

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