

**MONITORING OF THE PERFORMANCE OF THE COMMUNITY PROGRAMME FOR
EMPLOYMENT AND SOCIAL SOLIDARITY – PROGRESS (2007-2013)**

**BASELINE ASSESSMENT
REPORT**

This publication is delivered under the European Community Programme for Employment and Social Solidarity PROGRESS (2007-2013). This programme is managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. PROGRESS was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- *providing analysis and policy advice on PROGRESS policy areas;*
- *monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;*
- *promoting policy transfer, learning and support among Member States on EU objectives and priorities; and*
- *relaying the views of the stakeholders and society at large*

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html

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List of abbreviations

AAR - Annual Activity Report (by DG Employment, Social Affairs and Equal Opportunities)
CfP – Call for Proposals
EC – European Commission
ESF – European Social Fund
EU – European Union
EU15 – The 15 EU Member States prior to May 2004
EU25 – The 25 EU Member States after May 2004
EU27 - The 27 EU Member States after January 2007
NAP – National Action Plan
NRP – National Reform Programme
NRPIR – National Reform Programme's Implementation Report
NSR SI – National Strategy Report on Social Inclusion
NSR SPSI – National Strategy Report on Social Inclusion and Social Protection
OMC – Open Method of Co-ordination
PM – Performance Measure (as in the Strategic Framework)
PROGRESS - Community Programme for Employment and Social Solidarity



BASELINE ASSESSMENT: EXECUTIVE SUMMARY

Role and scope of the Baseline assessment report

With a view to pursuing an integrated European approach guaranteeing positive interplay between social and employment policies and in line with the Commission's intention of consolidating and rationalising Community funding instruments, a new **Community programme for employment and social solidarity – PROGRESS**, has been established, which replaces a number of preceding Community programmes. A commitment to **results-based management** is built into the legislative and institutional framework of PROGRESS. Regular monitoring of PROGRESS implementation will be carried out to assess headway made towards the achievement of the aims and objectives set in the **PROGRESS Strategic Framework**. The latter defines PROGRESS mandate, its long-term and specific outcomes and is complemented by the **performance measures** which will serve to determine the extent to which PROGRESS has delivered the expected results.

As one of the first steps in setting up such a performance monitoring system, this **baseline assessment** was prepared in the first half of 2008 to gather and process the necessary baseline data against which the achievements of the programme will be measured and evaluated.

Methodology of the baseline assessment: key aspects and limitations

This baseline assessment represents the first critical measurement of the abovementioned performance measures; therefore it serves as a certain piloting of the performance monitoring system, testing its data sources, collection and analysis strategies and means of reporting.

The assessment used both primary and secondary sources of information. Prevalence is given to the **primary sources** (especially official/internal sources: databases, official documents). Moreover, a dedicated survey on partnership was conducted in June – July 2008 for the purposes of assessment. Where such primary sources are not sufficient, some **secondary sources** were used (i.e., data collected by other outside organizations, reports by independent experts, etc.).

There were **two key challenges** to obtain adequate baselines on each of the performance measure for each intermediate outcome. First, PROGRESS has a complex, intertwining structure of its objectives and intervention areas; therefore, at the level of outcomes sometimes it was impossible to disaggregate certain monitoring information per PROGRESS policy area. Second, the programme in principle targets policy-making process at the EU and Member State levels, as opposed to more traditional targets of public programmes, such of achieving change in some specific aspect of socio-economic situation. This meant the limited availability of monitoring data, as there is little aggregated information on policy developments at the EU and Member States levels.

Summary baseline

The baseline assessment focuses on the **three intermediate outcomes** and their performance measures defined in the programme's Strategic Framework. Wherever possible, the baselines are further disaggregated by the **five PROGRESS policy areas**, namely (1) Employment, (2) Social inclusion and social protection, (3) Working conditions, (4) Non-discrimination and (5) Gender equality.



The summary of the established baselines is provided in the table below.

Performance measures	Baseline summary
Intermediate Outcome 1: Compliance in Member States with EU law related to PROGRESS areas	
1. Transposition rate of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States	<p>Directives must be transposed in the form of binding national legislation, which fulfils the requirements of legal security and clarity, and establishes an actionable legal position for individuals. Non-transposition therefore refers to failure by Member States to correctly notify to the Commission the transposition of EU law.</p> <p>The overall transposition rate across the relevant PROGRESS policy areas is only slightly worse than the Internal Market overall average, and is improving. The non-transposition mainly concerns the latest EU Directives. Cases of non-transposition seem to be fairly equally dispersed among new and old, larger and smaller Member States.</p> <p>The overall fragmentation factor of 15.9% (the Internal Market overall average – 8%) means that nearly one in six Directives is not transposed in all Member States, that is, they do not achieve their full effect. There were 15 Member States which did not transpose at least one Directive applicable to them in the PROGRESS policy area.</p> <p>The lowest transposition rate and the highest fragmentation factor are in the policy area of <u>Gender equality</u>, while the situation in two other areas (<u>Working conditions</u> and <u>Anti-discrimination</u>) is substantially better.</p>
2. Effectiveness of application of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States	<p>Even if EU law has been transposed into national legislation, this does not necessarily mean that it is being applied correctly or effectively. Non-conformity infringements are initiated when the transposition is presumed not to be in conformity with the Directive it transposes or cases where provisions in EU law (contained in both the EC Treaty and in Directives, but also regulations, decisions) are presumed to have been incorrectly applied. There were 159 non-conformity infringement proceedings initiated by the Commission in the relevant PROGRESS policy areas during 2006 and 2007, 119 of which were still pending at the end of it. The Commission was most active in the area of <u>Working conditions</u>, which was also characterised by the relatively swift reactions from the Member States to address non-conformity (38% cases closed). At the opposite end of the spectrum, in the area of <u>Gender equality</u>, there were very few cases resolved. The estimated average duration of resolving the above indicated cases is largely the same among old and new Member States.</p> <p>What concerns the activity of national courts, which retain jurisdiction to review the implementation of EU law for which the authorities of the Member States are essentially responsible and are thus by their nature guarantors of EU law: in 2006-2007 there were 63 referrals for preliminary ruling lodged at the ECJ (51 related to <u>Working conditions</u>, 19 – <u>Anti-discrimination</u> and 8 – <u>Gender equality</u>). Importantly, they came exclusively from the EU 15 (in total, 13 Member States have lodged at least one referral), while none of them originated from the new Member States. Similarly, similar litigation/dispute settlement activities in <u>Gender equality</u> area are reported to be much more active in older Member States than in the new ones (it should be noted however that intensity of litigation/dispute settlement activities also depends on litigation culture in a given Member State, whereby in some of them preference may be given to resolving disputes in less conflictual manner).</p> <p>Finally, public opinion and peer pressure are important means of influencing the effectiveness of the application of EU law. As far as the policy areas of <u>Anti-discrimination</u> and <u>Gender equality</u> are concerned, average levels of awareness about the existence of anti-discrimination laws are quite low in the EU. In 2006 disability was the only type of discrimination which more than half of the European public knew was prohibited by law when hiring new employees (51%). This was followed by gender (40%), race or ethnic origin (36%), religion or belief (35 %), age (31%) and sexual orientation (30%). Again, awareness levels about legal protection from discrimination for individuals varied greatly between the former EU15 Member States (higher awareness) and the New Member States (lower awareness).</p>

Performance measures	Baseline summary
Intermediate Outcome 2: Shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of EU objectives related to PROGRESS policy areas	
1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas	<p>A shared understanding and ownership of EU objectives and policies among stakeholders at various levels of the EU policy making enables the Member States to pursue a co-ordinated policy direction and to achieve common policy objectives. The notion of shared understanding does not imply a convergence of opinions towards any single model. Rather, it means that all the actors involved in the process share their practices and discuss their achievements. In the process they are able to appreciate both the importance of national contexts (and thus the wide diversity of measures used to pursue state policies) as well as the common challenges. Ideally, based on such a shared understanding, common objectives are developed and therefore owned by actors at various levels.</p> <p>This performance measure relates to attitudes, that is, perceptions of decision-makers, key stakeholders and general public. The attitudes of the general public with regard to the EU role in PROGRESS policy areas are generally very positive. No direct correlation was found between these attitudes and general attitudes of EU citizens towards the EU. EU citizens are very positive with regard to EU's role in promoting: <u>Gender equality</u> and <u>Anti-discrimination</u> - in more than half Member States; <u>Social protection and inclusion</u> - one third of MS; <u>Employment and Working conditions</u> - one quarter of MS.</p> <p>Even though the major stakeholders have largely alike attitudes with regard to the main challenges faced by the EU countries, the penetration level of the EU's objectives into the wider socio-political circles in the Member States is reported to be somewhat limited, both in the case of <u>Employment</u> and <u>Social inclusion and protection</u>. That is, many concepts are still familiar to a rather narrow circle of policy officials and have not "reached downwards" to national Parliaments, regional decision makers, important social partners and representatives of civil society; similarly, when it comes to a more detailed understanding as to how the EU makes a difference to national policies in these areas, the wider circles are rather unaware.</p>
2. Extent to which national policy discourses or priorities reflect EU objectives	<p>This performance measure focuses on national discourses and priorities, that is, the policy choices and priorities as defined in the national strategic and other official documents. First, the PPMI analysis of recommendations put forwards by the Commission on the NRPs revealed that there were 7 Member States (26%) where the Commission (and later on – the Council in its Country-Specific Integrated Recommendations) did not make any recommendations for substantial improvement in the field of Member States' employment policies. This is a proxy for how well national policy priorities in the field of <u>Employment</u> reflect EU objectives. To assess the dynamics of this process, one can refer to the Companion Document of the Strategic Report on the renewed Lisbon strategy, where it is emphasised explicitly, that in certain areas the policy re-orientation is visible and initiatives at the EU level do make a difference in this process (e.g., change of national policies towards integrating such principles as adaptability and flexicurity), while in some other areas national policies do not quite reflect the guidance stemming from the EU objectives (e.g., policies towards labour market and social reforms).</p> <p>Secondly, both in the case of <u>Employment</u> and <u>Social inclusion and protection</u>, the next proxy indicator is the interaction between the economic and labour market policies (National Reform Programmes, NRPs) on the one hand and social cohesion policies (National Strategy Reports on Social Inclusion and Social Protection, NSR SPSI) on the other. The importance of such inter-linkages is emphasised in the Presidency conclusions of European Councils and Guidelines for preparing both the NRPs and NSRs. PPMI analysis revealed that</p> <ul style="list-style-type: none"> - in 2006 NRP Implementation Reports, only 10 Member States included social inclusion objectives (including gender equality) among their national priorities or referred extensively to them; while the remainder briefly cross-referenced the NSR SPSI (9 MS), referred exclusively to labour market inclusion (4 MS), or omitted any mention of social inclusion

Performance measures	Baseline summary
	<p>altogether (4 MS).</p> <ul style="list-style-type: none"> - in the Commission's opinion (Joint Report on Social Protection and Social Inclusion. Country Profiles, 2007), 10 Member States demonstrated strong interaction between the NRPs and NSRs, 13 MS - sufficient interaction, while 4 Member States showed limited interaction. <p>Similarly, in 2007 the peer review in SPSI concluded that in most Member States 'explicit' linkages between the NRPs and subsequent implementation reports) and SPSI policies remain very limited or non-existent, although some 'implicit' linkages can be identified in a significant number of countries.</p> <p>Thirdly, impact of OMC on policy process may be used as a proxy to measure complementarity between national discourses and EU objectives. The independent experts report that the <u>Social inclusion</u> OMC can be said to have become an important part of the policy making process in not more than a quarter of countries, although OMC did contribute to Member States developing a common understanding of concepts and to identifying and agreeing on key priorities (although in some countries more than the others).</p> <p>Finally, gender mainstreaming is another useful indicator for dialogue between national discourses and EUs objectives. The independent experts report that gender equality and the gender dimension of policies are not given sufficient attention by most Member States. The PPMI analysis of country profiles developed by the Commission for the 2007 Joint Report showed that, in the Commission's opinion, 7 Member States demonstrated strong gender mainstreaming into social inclusion policies, 8 MS provided for sufficient mainstreaming, in 9 MS the extent of mainstreaming was limited; the Commission did not comment on gender mainstreaming in the case of 3 MS.</p>
<p>Intermediate Outcome 3: Effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas</p>	
<p>1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies</p>	<p>Partnerships between the EU and national level policy-makers and pan-European stakeholders are an important pre-requisite for agreeing and implementing EU objectives across the PROGRESS policy areas. Due to limited availability of data the baseline essentially analyses policy-makers active at the EU level, while pan-European stakeholders are understood as the key EU networks supported by the Commission. The assessment is therefore primarily based on a dedicated survey on partnership conducted in June – July 2008.</p> <p>As the survey results indicate, both policy/decision-makers and key stakeholders tend to agree that there is a large degree of consensus/ common ground on the major policy objectives among them, yet some divergence in approach when it comes to more specific policies and their implementation. Interestingly, both the Commission's officials and representatives of the Member States tend to claim that consensus between them (i.e., between EC and a MS) is higher than among Member States themselves or among the EC and other EU level decision makers. There is also a rather common perception that the level of consensus is not changing (i.e., it is neither increasing, nor decreasing), with the exception of the key EU networks, which note that consensus with the Commission is increasing (the perception is not shared by the EC officials).</p> <p>Interestingly, there was a tendency for the Commission officials to think that divergences of opinion are most likely between them and other EU level policy and decision makers, while EU level networks felt that there is more limited common ground between them and other EU networks/ NGOs. Additionally, almost one-third of Commission respondents claim that the consensus with other EU institutions is decreasing.</p>
<p>2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU</p>	<p>This performance measure addresses the issue of representativeness, i.e. do those involved in PROGRESS-relevant partnerships are in the position to make a difference at the EU or national levels.</p> <p>In 2006, the general public's perception of the EU's ability to involve the key actors (trade unions, employers) through dialogue was positive. Furthermore, as the survey results indicate, the key EU networks/NGOs, which are presently supported by the Commission, have sufficient capacity to exercise influence on the policy-making process at the EU level, albeit</p>

Performance measures	Baseline summary
<p>and national levels</p>	<p>this capacity may be somewhat limited due to the lack of resources (which is seen as a more pressing issue by the EU networks themselves than by the Commission). Furthermore, there is a shared view among the Commission and the key EU networks, that when it comes to the key EU networks’/NGOs’ actually making a difference to policy process, the influence is quite substantial, yet they are significantly more successful at the EU than at national level.</p> <p>The final aspect of baseline concerns the issue of whether all important non-governmental actors are actively involved in policy process at EU level: here the representatives from the Member States indicated that quite a number of important non-governmental actors were involved but definitely not all of them. There is some notable variation of responses according to the policy area: respondents working in policy area of <u>Gender equality</u> were substantially more sceptical regarding involvement of all the relevant actors.</p>
<p>3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas</p>	<p>The third performance measure deals with the actual achievements of partnerships in PROGRESS policy areas. It assesses to what extent the partnerships delivered concrete results in improving in EU policy making and implementation. The assessment concerns two perspectives.</p> <p>First, achievements of Commission’s preceding programmes aimed, among other objectives, to strengthen partnerships by providing support to operational costs are assessed (as PROGRESS also supports operational costs of networks in order to foster partnership building). Ex-post evaluations of various PROGRESS-preceding programmes indicate that these programmes contributed to effectiveness of partnerships in improving the organisational capacities of networks and encouraging their impact. However, some limitations of networking were also apparent due to the limited involvement of national actors, the lack of visibility, and the insufficient dissemination of results.</p> <p>Secondly, effectiveness of the actual partnership process is assessed, including assessment of effectiveness of OMC, which by definition should be based on partnerships of all the relevant stakeholders, and of partnership between a specific group of stakeholders (1): the Commission and EU-wide networks/NGOs; (2): the Commission and Member States.</p> <p>The assessment by independent experts of the process of the OMC support the assessment that success in partnerships at the EU level was not quite translated to the national level. Those directly involved in partnerships at the EU level give a more positive evaluation of the effectiveness of partnerships.</p> <p>As to the partnership between the Commission and the key EU networks/NGOs, the EU-wide networks appear to rather actively contribute to the EU policy making, especially through providing information on needs and expectations of target groups as well as application of the EU law.</p> <p>The partnership between the Commission and the Member States is especially vital in co-ordinating policies using the OMCs. Here the partnership approach is seen as most effective in encouraging the exchange of good practice between the Member States and providing relevant information, statistics and analysis which was used in consensus-building and decision-making. The assessment the Commission’s role as a broker facilitating agreement between the Member States is also rather positive but less uniform, with the Commission’s officials seeing it more successful than the representatives of the Member States.</p>



ANALYSE DE LA SITUATION DE BASE: RAPPORT DE SYNTHÈSE

Rôle et champ du présent rapport d'analyse de la situation de base

Dans le but de développer une approche intégrée européenne garantissant une interaction positive entre les politiques sociales et de l'emploi, et en droite ligne avec la volonté de la Commission européenne de consolider et rationaliser ses instruments financiers, le nouveau programme communautaire **PROGRESS, pour l'emploi et la solidarité sociale** a été lancé en remplacement de plusieurs programmes mis en œuvre précédemment.

Le cadre législatif et institutionnel de PROGRESS est fondé sur le principe de **gestion basée sur les résultats**. Un suivi régulier de la mise en œuvre de PROGRESS sera donc assuré afin de mesurer le chemin parcouru vers la réalisation des objectifs fixés dans le Cadre Stratégique de PROGRESS. Celui-ci définit le champ d'intervention du programme, ses objectifs spécifiques et à long terme, et est complété par une série de mesures de performance visant à apprécier dans quelle mesure PROGRESS a permis d'atteindre les résultats attendus.

Une des premières étapes, lors de la construction d'un tel système de suivi de la performance, consiste à définir la **situation de base** (ou de référence). Ce travail a eu lieu au cours du premier semestre 2008, et a permis de recueillir et compiler les données de base nécessaires à la mesure et à l'évaluation des résultats du programme.

Méthodologie de l'analyse de la situation de base : éléments clés et limites de l'étude

L'analyse de la situation de base constitue la première étape essentielle de l'évaluation de la performance énoncée ci-dessus. Par conséquent, elle sert au pilotage du système de suivi de la performance, en permettant de tester les sources de données, d'identifier et analyser les stratégies, ainsi que de prévoir les moyens nécessaires pour rendre compte de l'avancée du programme.

L'évaluation s'est fondée sur les sources d'information primaires et secondaires, mais ce sont les **sources primaires** qui ont été utilisées en priorité (en particulier les sources internes et officielles telles que : bases de données ou documents officiels). En outre, une enquête portant spécifiquement sur les partenariats a été conduite en juin et juillet 2008. Lorsque les sources primaires n'étaient pas suffisantes, certaines **sources secondaires** ont été utilisées (par ex. des données collectées par d'autres organisations extérieures, des rapports d'experts indépendants, etc.).

Afin d'obtenir la base adéquate sur laquelle pouvoir un construire un système de suivi de la performance, et mesurer chacun des résultats intermédiaires, **deux difficultés majeures** ont été mises en évidence :

En premier lieu, le fait que la structure du programme PROGRESS combine de façon complexe les champs d'intervention et les objectifs. En conséquence, au niveau des résultats, il a été parfois difficile de d'isoler toutes les informations de suivi pour certains domaines d'intervention du programme. D'autre part, le programme vise dans ses principes, les processus d'élaboration des politiques au niveau européen et national, en opposition aux objectifs plus traditionnels de l'intervention publique, tels que ceux visant un changement particulier dans un secteur socio-économique donné. Ceci a eu pour conséquence une mise à disposition limitée de données de suivi, en

raison du peu d'informations agrégées en matière de développement des politiques tant au plan communautaire qu'au niveau des Etats membres.

Résumé de la situation de référence

L'analyse de la situation de référence consiste à mesurer la performance de **trois résultats intermédiaires**, conformément à ce qui est décrit dans le Cadre Stratégique du programme. A chaque fois que cela était possible, les données de base ont été décomposées en détail en fonction des **cinq domaines d'intervention politiques de PROGRESS** : (1) l'emploi, (2) l'inclusion sociale et la protection sociale, (3) les conditions de travail, (4) la non-discrimination, et (5) l'égalité hommes-femmes.

Le résumé de chaque situation de base considérée, est décrit dans le tableau ci-après.

Mesures de la performance	Résumé de la situation de référence
Résultat intermédiaire n° 1 : Respect dans les Etats membres, de la législation communautaire liée aux champs d'intervention de PROGRESS	
1. Taux de transposition dans les Etats membres de la législation communautaire en matière de santé et sécurité, de législation du travail, de conditions de travail, d'information et de consultation des travailleurs, de non-discrimination et d'égalité hommes-femmes.	<p>Les directives doivent être transposées sous la forme d'une législation nationale contraignante, garantissant les exigences légales en matière de sécurité et de clarté, et pouvant constituer un levier juridique pour les individus. Ainsi, la « Non-transposition » implique l'échec par les Etats membres à notifier à la Commission européenne la transposition de façon correcte de la législation communautaire.</p> <p>Le taux de transposition total pour les domaines d'intervention concernés par PROGRESS ne se situe que légèrement en dessous que la moyenne générale du Marché Intérieur, et est en nette amélioration. En particulier, seules les Directives communautaires les plus récentes ne sont pas encore transposées. Les cas de non-transposition recensés semblent être répartis de manière sensiblement égale dans les nouveaux, anciens, grands ou plus petits Etats membres.</p> <p>Le facteur de fragmentation global est de 15,9 % (la moyenne totale pour le Marché Intérieur étant de 8%). Ceci signifie qu'environ une directive sur six n'est pas transposée dans les tous les Etats membres, et par conséquent que sont effet maximal n'est pas atteint. Dans 15 Etats membres, au moins une directive concernant les domaines d'intervention de PROGRESS n'a pas été transposée.</p> <p>C'est en matière d'<u>égalité hommes-femmes</u> que sont observés les taux de transposition les plus faibles et les facteurs de fragmentation les plus élevés, alors que la situation est sensiblement meilleure en ce qui concerne les <u>conditions de travail</u> et la <u>non-discrimination</u>.</p>
2. Efficacité de l'application dans les Etats membres de la législation communautaire en matière de santé et sécurité, de législation du travail, de conditions de travail, d'information et de consultation des travailleurs, de non-discrimination et d'égalité hommes-femmes.	<p>Même une fois transposée dans la législation nationale, la législation communautaire n'est pas nécessairement appliquée de façon correcte ou efficace. Des infractions pour non conformité peuvent être engagées quand le texte est présumé non conforme à la directive qu'il est sensé transposer ou encore dans les cas où les dispositifs législatifs de l'UE (aussi bien le Traité de la CE ou les directives, ainsi que les décisions ou règlements) sont présumés être appliqués de manière incorrecte. Sur les 159 procédures d'infraction pour non-conformité engagées par la Commission dans les domaines relevant de PROGRESS en 2006 et 2007, 119 étaient toujours en cours à la fin de cette même année. La Commission a été particulièrement active dans le domaine des <u>conditions de travail</u>, également caractérisé par la rapidité relative de réaction de la part des Etats membres face à cette non-conformité (38 % des cas ayant pu être réglés). A l'opposé du spectre, dans le domaine de l'<u>égalité hommes-femmes</u>, très peu de cas ont pu être résolus. On estime à cet égard que la durée moyenne de résolution des cas indiqués ci-dessus est assez comparable dans les anciens ou nouveaux Etats membres.</p> <p>En ce qui concerne les procédures engagées par les juridictions nationales juridiquement compétentes en matière de vérification de la mise en œuvre de la législation communautaire incombant aux autorités</p>

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	<p>nationales, et par conséquent par nature garantes de la législation communautaire : on a recensé en 2006-2007, 63 procédures de renvoi préjudiciel auprès de la Cour de justice des Communautés européennes (dont 51 dans les domaines des <u>conditions de travail</u>, 19 en matière de <u>non-discrimination</u> et 8 concernant <u>l'égalité hommes-femmes</u>).</p> <p>De manière significative, ces renvois provenaient exclusivement des Etats de l'EU 15 (en tout, 13 Etats membres ont introduit au moins un renvoi préjudiciel), et aucun d'entre eux n'avait pour origine l'un des nouveaux Etats membres. De la même manière, la résolution de contentieux de ce type dans le domaine de <u>l'égalité hommes-femmes</u> apparaît comme plus développée dans les anciens Etats membres, que dans les nouveaux (Il convient cependant de noter que l'intensité de ces résolutions de contentieux varie en fonction des différences de « culture » prévalant en matière de litiges dans les Etats membres, certains d'entre eux privilégiant la forme de résolution la moins conflictuelle).</p> <p>Enfin, l'opinion publique et la pression exercée par les pairs peuvent influencer considérablement l'efficacité de l'application de la législation communautaire. En matière de <u>non-discrimination</u> et d'<u>égalité hommes-femmes</u>, les niveaux moyens de sensibilisation sur l'existence de lois anti-discrimination sont très faibles au sein de l'UE. En 2006, le handicap était cité par plus de la moitié des citoyens européens (51%) comme la seule cause de discrimination à l'embauche interdite dans la loi, suivie respectivement par le sexe (40%), l'origine raciale ou ethnique (36%), la religion ou les croyances (35 %), l'âge (31%) et l'orientation sexuelle (30%). De la même manière, les niveaux de sensibilisation sur les protections légales existantes face aux discriminations dont peuvent être victimes les personnes individuelles, varient considérablement entre les anciens Etats membres de l'UE 15 (les mieux sensibilisés) et les nouveaux (les moins bien sensibilisés).</p>
<p>Résultat intermédiaire n° 1 : compréhension partagée et niveau d'appropriation des objectifs de l'UE liés aux domaines d'intervention de PROGRESS, par les décideurs politiques, tous types d'acteurs concernés dans les Etats membres, et la Commission européenne.</p>	
<p>1. Attitude des décideurs, des acteurs clés et du grand public face aux objectifs de l'UE dans les domaines d'intervention de PROGRESS.</p>	<p>C'est par le biais d'une compréhension partagée et d'une bonne appropriation des objectifs et politiques communautaires par les différents acteurs à plusieurs niveaux des processus de prise de décision européens, que les Etats membres sont en mesure de conduire des politiques coordonnées et d'atteindre des objectifs communs. La notion of compréhension partagée n'implique pas la convergence des opinions vers un seul et unique modèle. Au contraire, elle implique la mise en commun par toutes les parties prenantes dans les processus de décision, de leurs pratiques et des facteurs de réussite observés. Ce faisant, les décideurs sont à même de prendre conscience à la fois de l'importance des différents contextes nationaux (et donc la très grande diversité des mesures utilisées dans le cadre des politiques nationales) ainsi que des défis auxquels ils ont à faire face en commun. Idéalement, c'est cette compréhension partagée qui permet ensuite d'élaborer des objectifs communs pouvant ensuite être repris par tous types d'acteurs de tous niveaux.</p> <p>La mesure de performance considérée ici se rapporte aux attitudes, c'est-à-dire aux perceptions des décideurs, acteurs clés et du public en général. Les attitudes du grand public en ce qui concerne le rôle à l'échelle de l'UE des domaines d'intervention de PROGRESS sont généralement très positives. Aucune corrélation directe n'a été trouvée entre ces attitudes et l'attitude générale des citoyens européens vis-à-vis de l'UE.</p> <p>Le niveau de satisfaction des citoyens européens est très élevée dans plus de la moitié des Etats membres en ce qui concerne le rôle de l'UE en matière de promotion de <u>l'égalité hommes-femmes</u> et <u>lutte contre les</u></p>

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	<p><u>discriminations</u> ; dans un tiers des Etats en ce qui concerne la <u>protection</u> et l'<u>inclusion sociales</u>, et dans le quart des Etats en matière d'<u>emploi</u> et de <u>conditions de travail</u>.</p> <p>Bien que les acteurs clés présentent tous des attitudes largement comparables face aux grands défis auxquels doivent faire face les pays membres de l'UE, le niveau de pénétration des objectifs de l'UE dans les cercles socio-économiques plus larges au sein des Etats membres semble être assez limité, à la fois pour les questions liées à l'<u>emploi</u> ainsi qu'en matière d'<u>inclusion</u> et de <u>protection sociales</u>. Dans les faits, bon nombre de concepts sont assez bien connus par un cercle très restreint de responsables politiques, mais ne sont pas forcément « redescendus » en direction des parlements nationaux, des décideurs régionaux, des partenaires sociaux ou des principaux représentants de la société civile. De la même manière, s'agissant de comprendre en détail la manière dont l'UE influence les politiques nationales dans ces domaines, les cercles plus larges n'en sont que très peu informés.</p>
<p>2. Prise en compte dans les déclarations politiques ou priorités nationales des objectifs de l'UE.</p>	<p>Cette mesure de la performance se concentre sur l'analyse des déclarations et priorités énoncées au niveau national, c'est-à-dire sur les choix et priorités politiques définis dans les programmes stratégiques nationaux et autres documents officiels. Dans un premier temps, l'analyse par PPMI des recommandations de la Commission sur les PNR a révélé que pour 7 Etats membres (26%) la Commission (et par la suite le Conseil dans ses recommandations spécifiques adressées à chacun des Etats) n'a émis aucune recommandation visant l'amélioration substantielle des politiques de l'emploi nationales. Ceci est un révélateur du niveau d'intégration des objectifs communautaires dans les priorités des politiques nationales en matière d'<u>emploi</u>. Afin de mesurer les dynamiques de ce processus, on peut se référer au document d'accompagnement du Rapport stratégique concernant la stratégie renouvelée de Lisbonne pour la croissance et l'emploi, dans lequel il est indiqué de manière explicite que dans certains domaines, une nouvelle orientation politique est visible et que les initiatives conduites au niveau de l'UE se distinguent particulièrement dans certains domaines (par ex. les changements observés dans les politiques nationales en direction d'une plus grande intégration des principes d'adaptabilité et de flexicurité) ; alors que dans d'autres domaines, les politiques nationales ne reflètent pas particulièrement l'orientation voulue par les objectifs communautaires (par ex. les politiques en direction du marché du travail et les réformes sociales).</p> <p>En second lieu, qu'il s'agisse d'<u>emploi</u> ou d'<u>inclusion et de protection sociales</u>, les indicateurs les plus révélateurs pour l'analyse sont, d'une part, le degré d'interaction entre les politiques économiques et du marché du travail (Programme Nationaux de Réformes, PNR), et d'autre part, les politiques de cohésion sociale (Rapports stratégiques nationaux sur la protection sociale et l'inclusion sociale, RSN P&IS). L'importance de l'interaction entre ces outils est mise en lumière dans les conclusions des Présidences successives du Conseil de l'UE ainsi que dans les lignes directrices permettant de préparer les PNR et RSN. L'analyse de PPMI a révélé que :</p> <ul style="list-style-type: none"> - Dans les rapports de mise en œuvre des PNR pour 2006, seuls 10 Etats membres ont prévu de prendre en compte les objectifs d'inclusion sociale (y compris en matière d'égalité hommes-femmes) dans leurs priorités nationales ou y ont fait référence de manière extensive. Les autres Etats y ont fait brièvement référence dans leur RSN P&IS (9 Etats membres), ou ont uniquement cité la question de l'inclusion sur le marché du travail (4 EM) ou encore ont totalement omis de mentionner l'inclusion sociale (4 EM). - Selon la Commission (Rapport conjoint sur la protection sociale et l'inclusion sociale. Profils de Pays, 2007), dans 10 Etats membres une forte interaction entre les PNR et les RSN a pu être mise en évidence. Pour 13 autres EM l'interaction a été jugée suffisante, et restait très faible dans les 4 Etats membres restant.

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	<p>De la même manière, en 2007, l'évaluation par des pairs dans les domaines de la protection et de l'inclusion sociales a mis en lumière dans la plupart des Etats membres que les liens « explicites » entre les PNR (et leurs rapports respectifs de mise en œuvre) et les politiques de P&I sociales restent très limités ou inexistantes. Ceci alors même que certains liens « implicites » peuvent être identifiés dans un nombre significatif de pays.</p> <p>En troisième lieu, la mesure de l'impact de la MOC sur l'élaboration des politiques peut permettre de mettre en évidence la complémentarité entre les déclarations nationales et les objectifs communautaires. En ce qui concerne le domaine de <u>l'inclusion sociale</u>, les experts indépendants ont identifié la MOC comme un élément important du processus de décision politique dans seulement un quart des Etats, bien que cette méthode est vraiment contribué à vulgariser les concepts ainsi qu'à identifier et obtenir un accord sur les priorités clés (même si cela s'est fait de façon inégale selon les Etats).</p> <p>Enfin, l'intégration de l'égalité homme-femme constitue un indicateur supplémentaire pouvant être utilisé dans l'analyse de la prise en compte des objectifs de l'UE dans les différentes déclarations nationales. Les experts indépendants ont mis en évidence que la plupart des Etats membres n'accordent pas une attention suffisante à la question de l'égalité homme-femme ni à l'intégration de cette dimension dans leurs politiques. L'analyse conduite par PPMI des profils par pays établis par la Commission dans le cadre du Rapport conjoint 2007 a montré qu'en matière d'intégration de l'égalité homme-femme dans les politiques d'inclusion sociale, toujours selon la Commission, 7 Etats membres y accordaient une large place, 8 EM une place suffisante, et 9 EM n'y consacraient pas suffisamment d'efforts. Pour les 3 Etats membres restant, la Commission n'a émis aucun commentaire sur l'intégration de l'égalité entre les hommes et les femmes.</p>
<p>Résultat intermédiaire n°3 : Les partenariats effectifs entre acteurs nationaux et paneuropéens en vue de soutenir les résultats dans les domaines d'intervention de PROGRESS.</p>	
<p>1. Existence d'un terrain d'entente ou d'un consensus entre décideurs politiques et acteurs concernés sur les objectifs et politiques de l'UE.</p>	<p>L'existence de partenariats entre décideurs politiques au niveau national et paneuropéen constituent un préalable important en vue d'obtenir un accord et de mettre en œuvre les objectifs de l'UE dans tous les domaines d'intervention de PROGRESS. En raison de la quantité limitée de données disponibles, l'analyse de la situation de référence porte essentiellement sur les décideurs politiques actifs au niveau européen, les réseaux clés soutenus par la Commission étant pour leur part considérés en tant qu'acteurs paneuropéens. Par conséquent, l'analyse se fonde principalement sur les partenariats conduits durant la période juin-juillet 2008.</p> <p>Comme l'indiquent les résultats de l'enquête, tant les décideurs politiques que les acteurs clés sont d'accord pour dire qu'il existe dans une large mesure un consensus entre eux, ou un terrain d'entente concernant les principaux objectifs politiques. Cependant certaines divergences d'approches subsistent sur la manière de mettre en œuvre certaines politiques spécifiques.</p> <p>Il est intéressant de constater qu'à la fois les représentants de la Commission ainsi que ceux des Etats membres tendent à faire valoir que le consensus existant entre eux (c'est-à-dire entre la CE et les EM) est plus important qu'au sein des Etats membres eux-mêmes ou à l'intérieur de la CE ou qu'entre les autres décideurs au niveau communautaire.</p> <p>Il existe également considéré de manière assez partagée que le niveau de consensus est stable (c'est-à-dire qu'il n'augmente ou ne diminue pas), à l'exception des grands réseaux européens, qui font remarquer que le niveau de consensus avec la Commission est en nette augmentation (cette perception n'étant pour sa part, pas partagée par les membres de la Commission).</p>

Mesures de la performance	Résumé de la situation de référence
	<p>Il est intéressant de noter la tendance constatée de la part des officiels de la Commission, qui considèrent que les divergences d'opinion s'observent principalement entre eux et les autres niveaux et décideurs communautaires, alors que les réseaux à l'échelon de l'UE pensent que le terrain commun d'entente est plus étroit avec les autres ONG ou réseaux européens. De plus, environ un tiers des personnes interrogées au sein de la Commission font état d'une baisse du niveau consensus avec les autres institutions communautaires.</p>
<p>2. Identification et implication par l'UE d'une série d'acteurs clés en position d'exercer une influence ou de déclencher un changement à l'échelle de l'UE ou au niveau national.</p>	<p>Cette mesure de performance s'intéresse à la question de la représentativité, c'est-à-dire à la question de savoir si les membres des partenariats concernés par PROGRESS au niveaux communautaire ou national, occupent une position leur permettant d'apporter une valeur ajoutée.</p> <p>En 2006, la perception du grand public était globalement positive concernant la capacité de l'UE à susciter le dialogue entre acteurs clés (syndicats, employeurs).</p> <p>De plus, comme l'indiquent les résultats de l'enquête, les principales ONG ou réseaux au niveau européen, qui sont actuellement soutenus par la Commission, sont en suffisamment à même d'exercer une influence sur les processus de décision politique au niveau de l'UE. Cependant, cette capacité peut dans certains cas se trouver limitée en raison du manque de ressources financières (ce qui est considéré par les réseaux européens, tout comme par la Commission comme un problème urgent à résoudre). En outre, la Commission et les réseaux européens s'accordent à penser que certains réseaux ou ONG clés au niveau de l'UE sont effectivement en mesure d'exercer une influence sur les décisions politiques, et que cette influence est sensiblement plus efficace au niveau communautaire qu'au niveau national.</p> <p>Le dernier aspect de cette analyse s'intéresse au degré d'implication dans les processus de décision au niveau de l'UE, de chacun des acteurs non-gouvernementaux les plus importants : à cet égard, les représentants des Etats membres ont indiqué qu'un grand nombre d'acteurs-clés au niveau non gouvernemental ont été impliqués mais certainement pas la totalité. On remarque par ailleurs, que les réponses varient en fonction des domaines d'intervention : les personnes interrogées originaires du secteur de l'égalité homme-femme étant les plus réservées quant à l'implication de tous les acteurs concernés.</p>
<p>3. Efficacité des partenariats en lien avec les résultats des domaines d'intervention de PROGRESS.</p>	<p>La troisième mesure de performance s'intéresse aux résultats produits par les partenariats dans les domaines concernés par PROGRESS. Il s'agit de mesurer dans quelle mesure ces partenariats ont permis d'obtenir des résultats concrets en vue d'améliorer l'élaboration et la mise en œuvre de la politique communautaire, et ceci à partir en considérant deux aspects distincts. La première analyse concerne les résultats des précédents programmes communautaire, qui visaient notamment à renforcer les partenariats en apportant un soutien financier à leur fonctionnement (de la même manière que PPROGRESS, qui par le soutien apporté au fonctionnement de certains réseaux permet de renforcer la constitution de partenariats).</p> <p>L'évaluation ex-post des différents programmes qui ont précédé PROGRESS a montré qu'ils ont contribué à renforcer l'efficacité des partenariats, en améliorant les capacités organisationnelles des réseaux et en favorisant leur impact. Cependant, certains freins à la constitution de réseaux ont également été mis en évidence, en raison de la faible implication de certains acteurs nationaux, d'un certain manque de visibilité et d'une dissémination insuffisante des résultats.</p> <p>La seconde analyse porte sur l'efficacité du processus de constitution de partenariat en tant que tel, y compris en ce qui concerne l'efficacité de la MOC qui, par définition devrait être basée sur des partenariats entre tous</p>

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	<p>les acteurs pertinents, ainsi que sur des partenariats associant des groupes particuliers d'acteurs (1) : la Commission et les réseaux ou groupes d'ONG à l'échelon européen ; et (2) : la Commission et les Etats membres.</p> <p>Les travaux d'évaluation conduits par des experts indépendants en ce qui concerne le processus de la MOC, viennent conforter l'hypothèse que la réussite d'un partenariat au niveau de l'UE ne se traduit pas ensuite au niveau national. Les membres de ces partenariats européens évaluent de manière plus positive l'efficacité des partenariats. En ce qui concerne le partenariat entre la Commission et les principaux réseaux ou groupements d'ONG au niveau européen, les réseaux transnationaux semblent contribuer de manière très active à l'élaboration de politiques à l'échelle de l'UE, en particulier en fournissant des informations sur les besoins et attentes des groupes cibles, ainsi qu'en ce qui concerne l'application de la législation communautaire.</p> <p>Le partenariat entre la Commission et les Etats membres est particulièrement vital en matière de coordination des politiques et en appui à la MOC. A ce titre, l'approche partenariale est considérée comme étant la plus efficace pour encourager, entre les Etats membres, les échanges de bonnes pratiques, d'informations, de statistiques ou de rapports pouvant contribuer à l'obtention du consensus et la prise de décision. L'évaluation du rôle d'intermédiaire joué par la Commission en permettant de faciliter l'entente entre les Etats membres est également très positive, même si elle cette perception n'est pas uniformément partagée : les membres de la Commission considérant avoir joué ce rôle avec succès, contrairement aux représentants des Etats membres.</p>



ÜBERWACHUNG DER UMSETZUNG DES GEMEINSCHAFTSPROGRAMMS FÜR BESCHÄFTIGUNG UND SOZIALE SOLIDARITÄT- PROGRESS (2007-2013)



BASISLINIENAUSWERTUNG: KURZFASSUNG

Funktion und Anwendungsbereich des Berichtes über die Basislinienauswertung

Das neue **Gemeinschaftsprogramm für Beschäftigung und soziale Solidarität-PROGRESS**, das eine Reihe von vorangehenden Gemeinschaftsprogrammen ersetzt, ist mit dem Ziel eingerichtet worden, den integrierten Europäischen Ansatz anzustreben, der die positive Wechselwirkung zwischen Sozial- und Beschäftigungspolitiken sichert, sowie in Übereinstimmung mit dem Vorhaben der Kommission ist, Finanzinstrumente der Gemeinschaft zu konsolidieren und zu rationalisieren. Engagement für **das ergebnisorientierte Management** ist in die rechtlichen und amtlichen Rahmen von PROGRESS hineingebaut. PROGRESS-Umsetzung wird zur Auswertung des Fortschrittes bei der Verwirklichung der Zwecke und Ziele **des Strategischen Rahmens: PROGRESS** regelmäßig überwacht. Der letztgenannte definiert den PROGRESS-Auftrag, seine langfristige und spezifische Ergebnisse und ist durch **Umsetzungsmaßnahmen** ergänzt, die zur Feststellung des Umfangs dienen werden, zu dem PROGRESS erwartete Ergebnisse gezeitigt hat.

Als ein der ersten Schritte in Aufstellung des Umsetzungs-Überwachungssystems ist diese **Basislinienauswertung** in der ersten Hälfte 2008 zur Sammlung und Bearbeitung der erforderlichen Basisliniendaten erfasst worden, die zur Messung und Auswertung von Erfolgen des Programms dienen werden.

Methodologie der Basislinienauswertung: Schlüsselaspekte und Einschränkungen

Diese Basislinienauswertung ist die erste kritische Bewertung der obenerwähnten Umsetzungsmaßnahmen; somit dient sie als eine gewisse Erprobung des Umsetzungs-Überwachungssystems, Überprüfung seiner Datenquellen, Sammlung und Analyse der Strategien sowie Berichtsmittel.

In der Auswertung sind sowohl primäre als auch sekundäre Informationsquellen gebraucht worden. **Primäre Quellen** (insbesondere öffentliche/ innere Quellen: Datenbanken, amtliche Urkunden) sind aber bevorzugt worden. Außerdem ist im Juni-Juli 2008 eine engagierte Partnerschaftsstudie zu den Auswertungszwecken veranstaltet worden. Wenn die primäre Quellen nicht genügend gewesen sind, sind einige **sekundäre Quellen** (d.h. Daten, die bei anderen Außenorganisationen gesammelt worden sind, Berichte der unabhängigen Sachverständigen usw.) gebraucht worden.

Hier gab es **zwei Schlüsselherausforderungen** zum Bezug von entsprechenden Basislinien zu jeder Umsetzungsmaßnahme jedes Zwischenergebnisses. Erstens verfügt PROGRESS über eine komplexe ineinandergreifende Struktur seiner Ziele und Eingriffsbereiche; somit ist es manchmal auf der Ergebnisebene unmöglich gewesen, bestimmte Überwachungsinformation per bestimmte PROGRESS-Politikbereiche zu zerteilen. Zweitens ist das Programm seinen Hauptzielvorgaben nach ein Politikgestaltungsprozess auf den EU- und Mitgliedstaatenebenen im Gegensatz zu vielen üblichen Zielvorgaben der öffentlichen Programme, die Änderungen in einigen spezifischen Aspekten der sozioökonomischen Situation erreichen. Dies bedeutete eine beschränkte Verfügbarkeit der Überwachungsdaten, weil es wenig Information zur Entwicklung der Politiken auf den EU- und Mitgliedstaatenebenen gesammelt ist.

Kurzfassungs- Basislinien

Die Basislinienauswertung konzentriert sich auf **drei Zwischenergebnisse** und ihre Umsetzungsmaßnahmen, die in dem Strategischen Rahmen des Programms definiert sind. Wenn möglich sind die Basislinien weiter in die **fünf PROGRESS-Politikbereiche**, und zwar (1) Beschäftigung, (2) Soziale Eingliederung und Sozialschutz, (3) Arbeitsbedingungen, (4) Nichtdiskriminierung und (5) Gleichheit der Geschlechter, zerteilt worden.

Die Kurzfassung der festgestellten Basislinien ist in der Tabelle unten dargelegt.

Umsetzungs- maßnahmen	Basislinien-Kurzfassung
Zwischenergebnis 1: Einhaltung des EU-Rechtes zu PROGRESS-Bereichen in den Mitgliedstaaten	
1. Transpositions- grad des EU Rechtes in Sachen der Gesundheit und Sicherheit, Arbeitsrechtes und Arbeits- bedingungen, Information und Beratung der Arbeiter, Nichtdiskriminier ung und Gleichheit der Geschlechter in den Mitgliedstaaten	<p>Richtlinien sollen in Form eines verbindlichen nationalen Rechtes transponiert werden, das die Forderungen der rechtlichen Sicherheit und Durchsichtigkeit erfüllt und prozessfähige Rechtslage für Personen aufbaut. Somit bezieht sich die Nichttransposition auf Misserfolg der Mitgliedstaaten, die Kommission über Transposition des EU-Rechtes richtig zu benachrichtigen.</p> <p>Der gesamte Transpositionsgrad die relevanten PROGRESS-Politikbereiche hinüber ist nur ein bißchen niedriger als der Gesamtdurchschnitt des Innenmarktes, und er steigt immer wieder. Die Nichttransposition bezieht sich am meistens auf die neusten EU-Richtlinien. Fälle der Nichttransposition wirken ungefähr ziemlich gleichmäßig unter den neueren und den älteren, größeren und kleineren Mitgliedstaaten verteilt zu sein.</p> <p>Der gesamte Fragmentierungsfaktor von 15.9% (der Gesamtdurchschnitt des Innenmarktes- 8%) bedeutet, dass beinahe eine von sechs Richtlinien in allen Mitgliedstaaten nicht transponiert ist, das heißt, sie erreichen die vollständige Wirkung nicht. Es gab 15 Mitgliedstaaten, die wenigstens eine anwendbare Richtlinie zu PROGRESS-Politikbereichen nicht transponiert haben.</p> <p>Der niedrigste Transpositionsgrad und der höchste Fragmentierungsfaktor werden in dem Politikbereich <u>Gleichheit der Geschlechter</u> beobachtet, während in den zwei weiteren Bereichen (<u>Arbeitsbedingungen und Nichtdiskriminierung</u>) die Situation wesentlich besser ist.</p>
2. Wirksamkeit der Anwendung des EU-Rechtes in Sachen der Gesundheit und Sicherheit, Arbeitsrechtes und Arbeits- bedingungen, Information und Beratung der Arbeiter, Nichtdiskriminier ung und Gleichheit der Geschlechter in den Mitgliedstaaten	<p>Selbst wenn das EU-Recht in das nationale Recht transponiert ist, bezeichnet dies nicht unbedingt, dass es richtig und wirksam angewandt wird. Nichtübereinstimmungs-Verfahren werden eingeleitet, wenn es angenommen wird, dass die Transposition mit der dadurch transponierten Richtlinie nicht übereinstimmt, oder in den Fällen, wo Bestimmungen des EU-Rechtes (die sowohl in dem EG-Vertrag als auch in den Richtlinien, aber auch in den Regelungen und Beschlüssen enthalten werden) für nicht richtig angewandt angenommen werden. Es gab 159 Nichtübereinstimmungs-Verfahren, die durch die Kommission in den relevanten PROGRESS-Politikbereichen in 2006 und 2007 eingeleitet worden sind, 119 davon sind am Ende der Fristen immer noch anhängig gewesen. Die Kommission ist in dem Bereich <u>Arbeitsbedingungen</u> besonders aktiv gewesen, was sich auch durch verhältnismäßig schnelle Reaktionen der Mitgliedstaaten gekennzeichnet hat, an die die Nichtübereinstimmung adressiert worden ist (38% der Sachen sind erledigt). Auf der Gegenseite des Spektrums, im Bereich der <u>Gleichstellung der Geschlechter</u>, sind nur wenige Sachen erledigt worden. Die geschätzte durchschnittliche Laufzeit zur Erledigung der obenerwähnten Sachen ist großteils dieselbe unter den ältesten und neuesten Mitgliedstaaten.</p> <p>Was die Tätigkeit der nationalen Gerichte anbetrifft, die die Kompetenz beibehalten, die Umsetzung des EU-Rechtes zu überprüfen, wofür Behörden der Mitgliedstaaten eigentlich verantwortlich sind, und dadurch ihrem Wesen nach Bürgen des EU-Rechtes sind: 2006-2007 sind 63 Vorabentscheidungsersuchen an den Europäischen Gerichtshof untergebracht worden (51 sind mit den <u>Arbeitsbedingungen</u>, 19 mit der <u>Nichtdiskriminierung</u> und 8 mit der <u>Gleichheit der Geschlechter</u> verbunden).</p>

Umsetzungs- maßnahmen	Basislinien-Kurzfassung
	<p>Es ist wichtig, dass sie ausschließlich aus dem EU-15 stammen (13 Mitgliedstaaten insgesamt wenigstens ein Ersuchen eingereicht haben), wobei kein davon aus den neuen Mitgliedstaaten stammte. Auf die gleiche Weise hat man über ähnliche Rechtsstreit-/ Streitschlichtungstätigkeiten im Bereich <u>Gleichheit der Geschlechter</u> als aktivere in den älteren Mitgliedstaaten im Vergleich zu den neuen berichtet (hier ist allerdings zu merken, dass die Intensität der Rechtsstreit-/ Streitschlichtungstätigkeiten auch von der Rechtsstreitkultur des jeweiligen Mitgliedstaates abhängt, wobei Streiterledigung in weniger konfliktreichen Weise in einigen davon bevorzugt wird).</p> <p>Zum Abschluss sind die öffentliche Meinung und Gruppenzwang wichtige Maßnahmen zur Beeinflussung der Wirksamkeit der Anwendung des EU-Rechtes. Was die Politikbereiche <u>Nichtdiskriminierung</u> und <u>Gleichstellung</u> der Geschlechter anbetrifft, ist das durchschnittliche Kenntnissniveau über das Vorhandensein des Nichtdiskriminierungsrechtes in der EU ziemlich niedrig. 2006 ist die Behinderung der einigen Typ der Diskriminierung gewesen, wovon mehr als eine Hälfte der Europäischen Öffentlichkeit gewusst hat, dass sie gesetzlich bei der Einstellung neuer Arbeitsnehmer verboten ist (51%). Danach folgte die Diskriminierung aufgrund des Geschlechtes (40%), der Rasse oder ethnischen Herkunft (36%), der Religion oder des Glaubens (35%), des Alters (31%) und der sexuellen Ausrichtung (30%). Wiederum unterschied sich das Kenntnissniveau über den Rechtsschutz der Personen vor Diskriminierung in hohem Masse zwischen den ehemaligen EU-15 Mitgliedstaaten (höheres Kenntnissniveau) und den neueren Mitgliedstaaten (niedriges Kenntnissniveau).</p>
<p>Zwischenergebnis 2: Gemeinschaftliche Auffassung und Eigentum an den EU-Zielen, die mit PROGRESS- Politikbereichen verbunden sind, unter politischen/ sonstigen Entscheidungsträgern und Akteuren der Mitgliedstaaten und der Kommission</p>	
<p>1. Einstellungen der Entscheidungsträgern, Hauptakteure und allgemeiner Öffentlichkeit zu EU-Zielen in den PROGRESS-Politikbereichen</p>	<p>Gemeinschaftliche Auffassung und Eigentum an den EU-Zielen und Politiken unter den Akteuren verschiedener Ebenen der EU-Politikgestaltung befähigt die Mitgliedstaaten, die abgestimmte politische Richtung zu verfolgen und gemeinsame politische Ziele zu erreichen. Der Begriff der gemeinschaftlichen Auffassung besagt Konvergenz der Meinungen nach einem einzelnen Muster nicht. Eigentlich bedeutet es, dass alle Akteure, die an dem Prozess teilnehmen, ihre Praktiken mitbenutzen und ihre Leistungen besprechen. In dem Prozess sind sie fähig, sowohl Wichtigkeit der nationalen Kontexte (und somit weite Vielfalt der Maßnahmen zum Betreiben der Staatspolitiken) als auch gemeinsame Herausforderungen auszuwerten. Im Idealfall werden die gemeinsamen Ziele auf Grund der gemeinschaftlichen Auffassung entwickelt und somit von Akteuren auf verschiedenen Ebenen besessen.</p> <p>Diese Umsetzungsmaßnahme bezieht sich auf Einstellungen, das heißt, auf Auffassungen der Entscheidungsträger, Hauptakteure und allgemeiner Öffentlichkeit. Die Einstellung der allgemeinen Öffentlichkeit betreffs der EU-Rolle in den PROGRESS-Politikbereichen ist gewöhnlich sehr positiv. Es ist keine direkte Wechselwirkung zwischen diesen Einstellungen und allgemeinen Einstellungen der EU-Staatsangehörigen zu der EU festgestellt worden. Die EU-Staatsangehörigen sind hinsichtlich der EU-Rolle in der Förderung sehr positiv: <u>Gleichheit der Geschlechter und Nichtdiskriminierung</u>- in mehr als einer Hälfte der Mitgliedstaaten; <u>soziale Eingliederung und Sozialschutz</u>- in einem Drittel der Mitgliedstaaten; <u>Beschäftigung und Arbeitsbedingungen</u>- in einem Viertel der Mitgliedstaaten. Obwohl die die bedeutenden Akteure größtenteils ähnliche Einstellungen zu Hauptherausforderungen haben, die den EU-Staaten gegenüberstehen, wird das Durchdringungsniveau der EU-Ziele in die weite sozialpolitische Kreise der Mitgliedstaaten sowohl in dem Falle der <u>Beschäftigung</u> als auch in dem <u>der sozialen Eingliederung und Sozialschutzes</u> als ein wenig beschränkt berichtet. Das heißt, viele Begriffe sind immer noch einem ziemlich engen Kreis der politischen Beamten vertraut, sie haben nationale Parlamente, regionale Entscheidungsträger, wichtige Sozialpartner und Vertreter der bürgerlichen Gesellschaft nicht „herunter erreicht“; ähnlich, wenn es zu einer ausführlicheren Auffassung kommt, wie die EU einen Unterschied zwischen Nationalpolitiken in diesen Bereichen macht, sind die weiteren Kreise damit eher nicht vertraut.</p>

Umsetzungsmaßnahmen	Basislinien-Kurzfassung
<p>2. Ausmaß, in welchem nationalpolitische Diskurse oder Prioritäten die EU-Ziele widerspiegeln</p>	<p>Diese Umsetzungsmaßnahme konzentriert sich auf nationalpolitische Diskurse und Prioritäten, das heißt, auf die politische Wahl und Prioritäten, wie es in den nationalen strategischen und anderen öffentlichen Dokumenten festgelegt ist. Erstens hat die PPMI Analyse der Empfehlungen der Kommission über Nationale Reformprogramme aufgedeckt, dass es 7 Mitgliedstaaten (26%) gab, wo die Kommission (und später- der Rat in seinen landesspezifischen integrierten Empfehlungen) keine Empfehlungen zur wesentlichen Verbesserung im Bereich der Beschäftigungspolitiken der Mitgliedstaaten gegeben hat. Das ist ein Gradmesser dafür, wie gut die nationalpolitischen Prioritäten im Bereich <u>Beschäftigung</u> die EU-Ziele widerspiegeln. Zur Auswertung der Dynamik des Prozesses kann man sich an das Begleitdokument des Strategischen Berichtes zur erneuerten Lissabon-Strategie wenden, wo es ausdrücklich betont worden ist, dass politische Umstellung in bestimmten Bereichen offensichtlich ist und die Initiative auf der EU-Ebene den Prozess beeinflusst (z.B. Änderung der Nationalpolitiken zur Integrierung solcher Prinzipien wie Anpassungsvermögen und Flexicurity), obwohl die Nationalpolitiken in einigen anderen Bereichen die Steuerungsanleitung aus den EU-Zielen nicht genügend widerspiegeln (z.B. Politiken zum Arbeitsmarkt und Sozialreformen).</p> <p>Zweitens ist die Wechselwirkung zwischen der wirtschaftlichen und Arbeitsmarktpolitik (Nationale Reformprogramme, NRP) einerseits und sozialer Kohäsionspolitik (Nationaler Strategischer Bericht zur Sozialeingliederung und Sozialschutz, NSB SPSI) andererseits der nächste Gradmesser sowohl in dem Fall der <u>Beschäftigung</u> als auch in dem der <u>sozialen Eingliederung und Sozialschutzes</u>. Die Wichtigkeit von so einer Verflechtung ist in den Schlussfolgerungen des Vorsitzes des Europäischen Rates und Leitlinien für Vorbereitung von NRP und NSB betont worden. Die PPMI Analyse hat aufgedeckt, dass:</p> <ul style="list-style-type: none"> - nur 10 Mitgliedstaaten Ziele der sozialen Eingliederung (miteinbezogen Gleichheit der Geschlechter) in die NRP Anwendungsberichte für 2006 unter ihrer nationalen Prioritäten einbezogen oder darauf weitgehend bezogen haben; indessen die anderen (9 Mitgliedstaaten) auf den NSB SPSI kurz verwiesen haben, (4 Mitgliedstaaten) ausschließlich auf Eingliederung des Arbeitsmarktes verwiesen haben, oder (4 Mitgliedstaaten) jegliche Erwähnung der sozialen Eingliederung vollständig unterlassen haben. - Nach der Auffassung der Kommission (Gemeinsamer Bericht über die soziale Eingliederung und Sozialschutz. Landesprofile, 2007) 10 Mitgliedstaaten starke Wechselwirkung zwischen NRP und NSB, 13 Mitgliedstaaten- genügende Wechselwirkung demonstriert haben, wobei 4 Mitgliedstaaten beschränkte Wechselwirkung aufgewiesen haben. <p>Ähnlich hat man in der SPSI- Begutachtung 2007 die Schlussfolgerung gezogen, dass es in den meisten Mitgliedstaaten „ausdrückliche“ Verbindungen zwischen den NRP und darauffolgenden Umsetzungsberichten sowie SPSI-Politiken sehr beschränkt bleiben oder gar nicht bestehen, obwohl einige „indirekte“ Verbindungen bei einer beträchtlichen Anzahl der Staaten identifiziert sein können.</p> <p>Drittens kann die Wirkung der OMC auf den politischen Prozess als Gradmesser zur Bewertung der Komplementarität zwischen nationalen Diskursen und EU-Zielen angewandt werden. Unabhängige Sachverständigen berichten, dass man behaupten kann, dass die soziale Eingliederung OMC zu einem wichtigen Teil des Politikgestaltungsprozesses in nicht mehr als einem Viertel der Staaten geworden ist, obwohl OMC zur Entwicklung der gemeinsamen Auffassung der Begriffe sowie Identifizierung und Übereinstimmung der Hauptprioritäten in den Mitgliedstaaten beigetragen hat (obwohl in einigen Staaten mehr als in den anderen).</p> <p>Schließlich ist das Gender-Mainstreaming der andere nützliche Faktor für den Dialog zwischen nationalen Diskursen und den EU-Zielen. Unabhängige Sachverständigen berichten, dass nicht genügend Aufmerksamkeit in den meisten Mitgliedstaaten der Gleichheit der Geschlechter und dem Geschlechtsausmaß der Politiken geschenkt wird. Die PPMI Analyse der Landesprofile, die durch die Kommission für den Gemeinsamen Bericht 2007 entwickelt worden ist, hat aufgewiesen, dass 7 Mitgliedstaaten der Meinung</p>

Umsetzungsmaßnahmen	Basislinien-Kurzfassung
	<p>der Kommission nach starkes Gender-Mainstreaming in die Politiken der sozialen Eingliederung demonstriert haben, 8 Mitgliedstaaten genügende Mainstreaming versichert haben, das Mainstreaming in 9 Mitgliedstaaten beschränkt gewesen ist; die Kommission hat ihre Meinung zum Gender-Mainstreaming in dem Fall von 3 Mitgliedstaaten nicht geäußert.</p>
<p>Zwischenergebnis 3: Effektive Partnerschaft mit nationalen und paneuropäischen Akteuren zur Unterstützung der Ergebnisse, die mit PROGRESS Politikbereichen verbunden sind</p>	
<p>1. Vorhandensein der gemeinsamen Basis/ Konsens zu EU-Zielen und Politiken unter politischen und anderen Entscheidungsträgern und Akteuren</p>	<p>Partnerschaften zwischen den politischen Entscheidungsträgern der EU und nationalen Ebene und paneuropäischen Akteuren sind eine wichtige Voraussetzung zur übergreifenden Abstimmung und Umsetzung der EU-Ziele in den PROGRESS- Politikbereichen. Aufgrund des beschränkten Vorhandenseins der Daten analysieren die Basislinien im Wesentlichen die politischen Entscheidungsträger, die auf der EU-Ebene aktiv sind, indessen werden die paneuropäischen Akteure als die EU-Hauptnetzwerke erfasst, die von der Kommission unterstützt werden. Deshalb stützt sich die Auswertung vor allem auf die bestimmte Befragung zur Partnerschaft, die im Juni-Juli 2008 durchgeführt worden ist.</p> <p>Laut Angaben der Befragung neigen sowohl die politischen/ anderen Entscheidungsträger als auch Hauptakteure einverstanden zu sein, dass es unter ihnen einen weitgehenden Konsens/gemeinsame Basis zu den wesentlichen politischen Zielen gibt, jedoch gibt es einige Divergenz, wenn es zu mehr spezifischen Politiken und ihrer Umsetzung kommt. Interessanterweise neigen sowohl Beamten der Kommission als auch Vertreter der Mitgliedstaaten zu behaupten, dass der Konsens zwischen ihnen (d.h. zwischen der EG und dem Mitgliedstaat) höher als unter den Mitgliedstaaten selbst oder unter der EG und sonstigen Entscheidungsträgern der EU-Ebene ist. Es gibt auch eine eigentlich allgemein bekannte Vorstellung, dass sich der Konsensgrad nicht ändert (d.h. er weder steigt noch sinkt), mit Ausnahme von den EU-Hauptnetzwerken, die anmerken, dass der Konsens mit der Kommission steigt (die Vorstellung wird von den EG-Beamten nicht geteilt).</p> <p>Interessanterweise haben die Amtsträger der Kommission dazu geneigt, zu glauben, dass Meinungsunterschiede höchstwahrscheinlich zwischen ihnen und anderen politischen/ anderen Entscheidungsträgern der EU-Ebene sind, obwohl Netzwerke der EU-Ebene empfindet haben, dass es mehr beschränkte gemeinsame Basis zwischen ihnen und anderen EU-Netzwerken/NRO gibt. Außerdem behauptet beinahe ein Drittel der Befragten der Kommission, dass der Konsens mit den anderen EU-Behörden sinkt.</p>
<p>2. Identifizierung und Einbeziehung der Hauptakteure durch die EU in die Lage, Einfluss oder Änderungen auf der EU- und nationalen Ebene auszuüben</p>	<p>Diese Umsetzungsmaßnahme bezieht sich auf den Aspekt der Vertreter, d.h. ob diejenigen, die an den PROGRESS-bezogene Partnerschaften beteiligt sind, in der Lage sind, etwas auf der EU- oder nationalen Ebene zu bewirken. 2006 ist die allgemeine öffentliche Vorstellung der Fähigkeit der EU, die Hauptakteure (Gewerkschaften, Arbeitsgeber) durch Dialog einzubeziehen, positiv gewesen.</p> <p>Außerdem zeigen die Ergebnisse der Befragung an, dass Hauptnetzwerke/ NRO der EU, die zur Zeit von der Kommission unterstützt werden, genügend Leistungsfähigkeit haben, den Politikgestaltungsprozess auf der EU-Ebene zu beeinflussen, wenn auch diese Leistungsfähigkeit durch Mangel an Ressourcen (was mehr als ein Druckaspekt durch die EU-Netzwerke selbst mehr als durch die Kommission betrachtet wird) ein bißchen beschränkt sein kann. Zudem ist die Kommission und die EU-Hauptnetzwerke gemeinsamer Ansicht, dass wenn es zum eigentlichen Bewirken der politischen Prozesse durch die EU-Hauptnetzwerke/NRO kommt, dann ist der Einfluss ziemlich erheblich, jedoch sind sie auf der EU-Ebene bedeutend erfolgreicher als auf der nationalen Ebene.</p> <p>Der Schlussaspekt der Basislinie ist mit der Frage verbunden, ob alle wichtige Nichtregierungsakteure an dem politischen Prozess auf der EU-Ebene aktiv beteiligt sind: hier haben die Vertreter der Mitgliedstaaten angegeben, dass viele wichtige Nichtregierungsakteure beteiligt waren, aber eindeutig nicht alle von ihnen. Es gibt einen bemerkenswerten Unterschied der Antworten den Politikbereichen nach: die Befragten, die in dem</p>

Umsetzungsmaßnahmen	Basislinien-Kurzfassung
	Politikbereich <u>Gleichheit der Geschlechter</u> tätig sind, sind erheblich skeptischer betreffs Einbeziehung von allen wichtigen Akteuren gewesen.
3. Wirksamkeit der Partnerschaften in Bezug auf Ergebnisse, die mit PROGRESS-Politikbereichen verbunden sind	<p>Die dritte Umsetzungsmaßnahme befasst sich mit aktuellen Erfolgen der Partnerschaften in PROGRESS-Politikbereichen. Sie wertet aus, in welchem Umfang die Partnerschaften greifbare Ergebnisse zur Ausbesserung der EU-Politikgestaltung und Anwendung gezeitigt haben. Die Auswertung betrifft zwei Perspektive an.</p> <p>Erstens werden Erfolge der vorangehenden Programme der Kommission ausgewertet, die, unter anderem, auf Stärkung der Partnerschaften bei der Unterstützung der Betriebskosten gezielt waren (da PROGRESS auch Betriebskosten der Netzwerke zur Förderung des Partnerschaftsaufbaus finanziell unterstützt). Rückwirkende Auswertungen verschiedener vorangehender PROGRESS- Programme hinweisen, dass diese Programme zur Wirksamkeit der Partnerschaften und Verbesserung der Organisationsfähigkeiten der Netzwerke beigetragen und ihre Wirkung begünstigt haben. Allerdings sind einige Beschränkungen der Vernetzung durch beschränkte Einbeziehung der nationalen Akteure, Mangel an Sichtbarkeit und ungenügendes Veröffentlichen der Ergebnisse auch offensichtlich.</p> <p>Zweitens wird die Wirksamkeit des aktuellen Partnerschaftsprozesses ausgewertet, miteinbezogen Auswertung der Wirksamkeit der OMC, die laut Definition auf Partnerschaften von allen wichtigen Akteuren sowie auf Partnerschaften zwischen spezifischen Gruppen der Akteure beruhen soll: 1) die Kommission und die EU-weite Netzwerke/ NRO; die Kommission und die Mitgliedstaaten.</p> <p>Die Auswertung der unabhängigen Sachverständigen zum Prozess der OMC unterstützt die Auswertung, dass der Erfolg der Partnerschaften auf der EU-Ebene nicht genügend gut auf die nationale Ebene umgesetzt worden ist. Diejenigen, die an den Partnerschaften auf der EU-Ebene unmittelbar beteiligt sind, geben positivere Einschätzung der Wirksamkeit der Partnerschaften. Was die Partnerschaft zwischen der Kommission und der EU-Hauptnetzwerke/ NRO anbetrifft, scheinen EU-weite Netzwerke an der EU-Politikgestaltung aktiv beizutragen, insbesondere durch Informationserteilung zu Bedürfnissen und Erwartungen der Zielgruppen sowie Anwendung des EU-Rechtes.</p> <p>Die Partnerschaft zwischen der Kommission und den Mitgliedstaaten ist in der Koordinierung der Politiken, die OMC gebrauchen, besonders grundlegend. Hier wird die Partnerschaftsmethode als die wirksamste bei der Begünstigung des Austausches guter Praktiken zwischen den Mitgliedstaaten und Erteilung relevanter Information, Statistik und Analyse betrachtet, die im Konsensaufbau und Entscheidungsfindung gebraucht worden sind. Die Auswertung der Rolle der Kommission als eines Vermittlerabkommens zwischen den Mitgliedstaaten ist somit eher positiv, aber weniger gleichmäßig, wobei sie von Beamten der Kommission als mehr erfolgreich im Vergleich zu den Vertretern der Mitgliedstaaten betrachtet wird.</p>

INTRODUCTION

Background

The role of the European Union in the field of employment and social solidarity

The future of employment and social policies, programmes and services in the European Union (EU) will be influenced by many forces, such as globalisation, technological development in a knowledge-based society, demographic change, and aspirations for better quality of life. Many stakeholders (governments, organisations and individuals) will be and engaged in helping shape the future. The EU needs to create the conditions to take advantage of the opportunities offered by globalisation, the knowledge-based economy and changing demographics and to develop innovative policy-making, collaboration with various partners and a commitment to achieve real results for the European citizens.

Actions in these areas are primarily the responsibility of the Member States and have to be taken closest to the citizen at national and sub-national level. However, the EU, with its blend of shared values, common rules and solidarity mechanisms, is uniquely placed to work in partnership with the Member States and stakeholders and foster cooperation to manage socio-economic change. The role of the EU is to act as a catalyst for reform, as a facilitator and as an enabler between key governmental and non-governmental bodies and between public and private actors. As a result, EU and national policy and decision-makers and other stakeholders will be in a better position to meet the challenges of a social Europe in a globalised world. This way the EU will help to achieve the strategic objective of making Europe the world most competitive and dynamic knowledge-based economy, capable of sustainable economic growth, with more and better jobs and greater social cohesion, as expressed in the Lisbon Strategy and reiterated in the recently adopted renewed Social Agenda.

Key policy tools

To achieve the aforementioned objectives the EU is implementing a mix of different policy tools, which include:

EU legislation: The EU has put in place a robust legislative framework (*the Treaty establishing the European Community and a number of directives*) for the well-being of Europeans by establishing and strengthening their rights as citizens, consumers and workers in many areas, including mobility, health and safety, social security, working conditions, information and consultation, gender equality, and non-discrimination. Legislation establishes minimum social standards and basic rights at European level, while creating a level-playing field for business across the Internal Market. However, to have this effect the existing legislation must be effectively applied and enforced.

Open Methods of Coordination (OMC): The open method rests on soft law mechanisms such as guidelines and indicators, benchmarking and sharing of best practice. *OMCs in the areas of European Employment Strategy (EES) and Social Protection and Social Inclusion* aim to help Member States to develop a shared vision of social challenges, foster a willingness to cooperate and learn from each other's practices, create a new dynamism in furthering and implementing reforms, and promote more knowledge-based policy making, geared towards openness, transparency and participation.

Social dialogue and civil dialogue: At European level, *social dialogue* takes two main forms: a bipartite dialogue between the European employers and trade union organisations; and a tripartite dialogue involving interaction between the social partners and the public authorities. Combining the values of responsibility, solidarity and participation, it is the essential means by which the social partners assist in the definition of European social standards, and play a vital role in the governance of the Union.

The Commission also *consults with civil society organisations*, which act as a vital bridge between the EU, Member States and citizens, when formulating and implementing policy in the area of employment, social affairs and equal opportunities. Finally, the Commission works to *promote the EU social policy agenda and spread EU values beyond its borders*. This is done through bilateral and multilateral contacts and cooperation with countries and regions, regional and international organisations and fora.

EU funding: *The European Social Fund (ESF)* is the main financial tool through which the EU translates its strategic employment policy aims into action. The ESF aims to help regions across Europe, particularly those lagging behind, to make workforce and companies better equipped to face new, global challenges. The fund channels its support into strategic operational programmes, which are planned by Member States together with the Commission and later implemented by national and regional authorities.

The *Community programme for employment and social solidarity – PROGRESS* was established to pursue an integrated European approach guaranteeing positive interplay between social and employment policies and in line with the Commission's intention of consolidating and rationalising Community funding instruments. This programme is managed and implemented by the Commission itself and has the mission to strengthen the EU's contribution in supporting Member States' commitments and efforts to create more and better jobs and to build a more cohesive society.

There are also several other, more specialised financial instruments. These include *the European Globalisation Adjustment Fund*, which provides support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation where these redundancies have a significant adverse impact on the regional and local economy; and the *Instrument for Pre-accession*, which aims to support the

candidate and potential candidate countries in their progressive alignment with the standards and policies of the EU, including where appropriate the *acquis communautaire*, with a view to membership and has an intervention scope similar to the ESF.

Community programme for employment and social solidarity – PROGRESS

Mentioned above as one of the financial instruments, PROGRESS in fact integrates and supports the full set of the different policy tools mentioned above. It is instrumental in

- providing analysis and policy advice for policy and law making,
- monitoring and reporting on the implementation of EU legislation and policies,
- promoting policy transfer, learning and support among Member States on EU objectives and priorities,
- as well as relaying the views of the stakeholders and society at large

in five closely interrelated policy areas, namely (1) Employment, (2) Social inclusion and social protection, (3) Working conditions, (4) Non-discrimination and (5) Gender equality. A more detailed overview of PROGRESS and its policy areas is presented in a separate chapter of this report (please see below).

A commitment to results-based management is built into the legislative and institutional framework of PROGRESS¹. There is a strong focus on assessing the programme's outcomes in order to demonstrate its achievements and effects. At the core of such approach is the Strategic Framework specifying the intervention logic of PROGRESS-related public expenditure². This Framework defines PROGRESS mandate, its long-term and specific outcomes and is complemented by the performance measures which will serve to determine the extent to which PROGRESS has delivered the expected results.

Regular monitoring of PROGRESS implementation will be carried out to assess headway made towards the achievement of the aims and objectives of the Strategic Framework. As one of the first steps in setting up such a performance monitoring system for PROGRESS, this baseline assessment was prepared in the first half of 2008 to gather and process the necessary baseline data against which the achievements of the programme will be measured and evaluated.

Role and scope of the baseline assessment

This assessment aims to establish the situation at present relative to the outcomes PROGRESS is set to achieve. It focuses on the three intermediate outcomes and their performance measures defined in the programme's Strategic Framework:

¹ Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress; General Guidelines for the implementation of the Community action programme for employment and social solidarity – PROGRESS (2007-2013) (PROGRESS/003/2006)

² Draft Strategic Framework for the Implementation of the Community programme for employment and social solidarity – PROGRESS (PROGRESS/009/2007- revised).

Table 1. Intermediate outcomes and their performance measures

Outcome	Performance measure
Intermediate Outcome 1: compliance in Member States with EU law related to PROGRESS areas	<ol style="list-style-type: none"> 1. Transposition rate of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States 2. Effectiveness of application of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States
Intermediate Outcome 2: shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of EU objectives related to PROGRESS policy areas	<ol style="list-style-type: none"> 1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas 2. Extent to which national policy discourses or priorities reflect EU objectives
Intermediate Outcome 3: effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas	<ol style="list-style-type: none"> 1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies 2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels 3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas.

The key aim of this report is to establish performance baselines, that is, information – qualitative or quantitative – that provides data at the beginning of, or just prior to, the monitoring period. In this particular case **the baseline assessment provides a snap-shot of situation in the policy areas targeted by the PROGRESS programme in 2006-2007**, which will then serve as a gauge to measure programme’s subsequent achievements.

This baseline assessment represents a critical measurement of the abovementioned performance measures (see Table 1). That is, it provides a summary of monitoring information per performance measure. However it does not aim at or offer a fully fledged diagnosis, which would include in-depth analysis of problems, their causes and/or proposals, recommendations for way forward in the PROGRESS policy areas, as these would be an object of evaluation. The key idea is to provide a measurement, a baseline, based on which a user of this assessment report could make his or her own conclusions and decisions.

Methodology of the baseline assessment

Data sources and collection methods

This is the *first* critical measurement of PROGRESS-related monitoring information, therefore it serves as a certain piloting of the performance monitoring system, testing its data sources, collection and analysis strategies and means of reporting.

The assessment used both primary and secondary sources of information (see Table 2 for a detailed list). Among the **primary sources**, the most important was the official information from

the Commission, Member States. This includes Commission data on the transposition rate of the EU law and infringement procedures, Lisbon Annual Progress Report (2007), Joint Report on Social Protection and Social Inclusion (2007), National Reform Programmes and National Reports on Social Protection and Social Inclusion. Also, the Annual Activity Report 2007 (by DG Employment, Social Affairs and Equal Opportunities) provided information on some of the PROGRESS targets and their achievement.

However, for many of the performance measures (especially, in case of the Intermediate Outcome 3) official data is not produced. Therefore PPMI also run an internet-based survey of EC officials, EU-wide networks and Member State representatives in PROGRESS-related committees (see Annex 2 for more detailed information on the survey). Furthermore, Eurobarometer reports were used to gauge the opinion of the general public whenever it was relevant to assess a specific performance measure.

Since primary sources data was not sufficient for assessing the baseline of all the performance measures, some **secondary sources** were used (i.e., data collected by other outside organizations, reports by independent experts), namely:

- Ex-post evaluation reports of various Community programmes;
- Peer reviews and assessments in social inclusion, by the Network of independent social inclusion experts;
- Various other studies and reports.

Such reports do have some limitations in that their conclusions are not always unequivocally accepted and thus they have to be treated with caution. In order to address this issue only the reports, which were discussed and accepted by various types of actors through a consensus-based process (e.g. an evaluation prepared by independent experts has to be validated by the Commission as a client), were used. Furthermore, there is no performance measure where the secondary sources would have been treated as the only or the most important source.

All in all, whenever possible the baseline assessment relies on primary sources. This is important having in mind that a monitoring data (as provided in this baseline) has to be clear, unambiguous and comparable across time. However, some of the performance measures, by their very nature, point towards subjective attitudes of those involved in the process or outside observers (e.g. the level of shared understanding). Therefore, in some cases primary data is supplemented with secondary sources.

Table 2. Data sources for performance measures

Performance measure	Data Sources
Intermediate outcome 1	
1. Transposition rate of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States	<ul style="list-style-type: none"> - Commission data on transposition rate of EU law - Ex-post evaluation reports of preceding Community programmes
2. Effectiveness of application of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States	<ul style="list-style-type: none"> - Commission data on infringement proceedings - Data from the European Court of Justice case-law database (available on Internet) - Eurobarometer report (awareness by the general public of the EU law in PROGRESS areas)
Intermediate outcome 2	
1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas	<ul style="list-style-type: none"> - Eurobarometer report on the attitudes of the general public on EU's role in the PROGRESS areas - Study on the attitudes of the main actors on the European Employment Strategy - Peer review and assessment in social inclusion, by the Network of independent social inclusion experts
2. Extent to which national policy discourses or priorities reflect EU objectives	<ul style="list-style-type: none"> - 2007 Annual Activity Report by DG Employment - Lisbon Annual Progress Report (2007), by the European Commission - Joint Report on Social Protection and Social Inclusion (2007) Country Profiles, by the European Commission - Strategic Report on the renewed Lisbon strategy - National Reform Programmes and National Reports on Social Protection and Social Inclusion Strategies - Peer reviews and assessments in social inclusion, by the Network of independent social inclusion experts
Intermediate outcome 3	
1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies	<ul style="list-style-type: none"> - PPMI survey
2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels	<ul style="list-style-type: none"> - PPMI survey - Eurobarometer report (on the impact of the EU in promoting dialogue between employers and the trade unions)
3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas.	<ul style="list-style-type: none"> - PPMI survey - Ex-post evaluation reports of preceding Community programmes - Peer reviews and assessments in social inclusion, by the Network of independent social inclusion experts

Other methodological issues

There were two-fold challenges to obtain adequate baselines on each of the performance measure for each intermediate outcome. First of them stem from the very nature of the PROGRESS programme. For one, as it will be explained in a greater detail in the next chapter, it has a complex, intertwining structure of its objectives and intervention areas (for example, there are no clear

dividing lines between such policy areas of non-discrimination and gender equality, or the latter and employment, and so on). Therefore, at the level of Intermediate Outcomes sometimes it was impossible to disaggregate certain monitoring information per PROGRESS policy area.

Moreover, the programme in principle targets policy-making process at the EU and Member State levels, as opposed to more traditional targets of public programmes, such of achieving change in some specific aspect of socio-economic situation. Such nature of the programme was directly related to the second type of challenges which concerned to the limited availability of monitoring data. While there is a relative abundance of statistical and other data describing the socio-economic situation related to the PROGRESS policy fields (e.g., various aspects of labour market), there is little aggregated information on policy developments at the EU and Member States levels. In practice that required a careful operationalisation of the performance measures (that is, what and how will be measured when assessing them) as well as use of proxy indicators³.

These challenges were taken into account when constructing the methodology of the baseline assessment, i.e. when selecting monitoring data sources and data collection methods. The selected methodology aimed at striking a balance with respect to cost, precision, credibility, and timeliness of collecting and reporting relevant monitoring information. To compensate the limited availability of relevant monitoring information, the assessment relied on extensive desk research of a variety of sources, complemented with surveys of decision makers and key stakeholders at the EU level.

Structure of the baseline assessment report

Chapter 1 of this baseline assessment report reviews the object of performance monitoring – the PROGRESS programme. It provides a short overview of the programme, reviews its main objectives and the projected outcomes as well as management approach. It also introduces in brief the five PROGRESS policy areas.

Chapter 2 of the report provides the actual baseline assessment, which is structured around the three intermediate outcomes and their performance measures defined in the programme's Strategic Framework. Wherever possible, the baselines are further disaggregated by the abovementioned PROGRESS policy areas. At the end of this chapter there is a summary baseline table, which recaps the key aspects of the established baselines.

³ Proxy indicators, although normally quantitative, do not directly relate to the result, yet provide valuable indirect estimation of progress. They are used when getting the full data is too time-consuming, or when the timeliness of complete data would fall outside the need for review.



1. OVERVIEW OF THE PROGRESS PROGRAMME AND ITS POLICY AREAS

PROGRESS was created to consolidate various Community funding instruments in the areas of employment and social solidarity

1.1. The PROGRESS programme

With a view to pursuing an integrated European approach guaranteeing positive interplay between social and employment policies and in line with the Commission's intention of consolidating and rationalising Community funding instruments Decision No. 1672/2006 established a new Community programme for employment and social solidarity – PROGRESS. It replaced and integrated into a single framework several preceding programmes outlined below:

- Programme relating to the Community framework strategy on gender equality (implemented during 2001-2005, plus 1 year extension; budget for 5 years was €50 million);
- Community action programme to combat discrimination (implemented during 2002-2006; budget for 5 years was €98.4 million);
- Community Action Programme to encourage cooperation between Member States to combat social exclusion and poverty (implemented during 2002-2006; the budget over 5 years was €70 million);
- Community incentive measures in the field of employment (implemented during 2002-2006; the budget over 5 years was €55 million);
- A few separate interventions on working conditions and health and safety at work.

The overall aim of PROGRESS is to provide financial support for the implementation of the EU's objectives in the employment and social affairs areas, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy objectives. The programme provides financial support for initiatives aimed at reinforcing the role of the Community in terms of policy development; implementing and monitoring EU objectives; transposing and monitoring EU legislation; promoting co-operation and coordination between Member States; and cooperation with social partners and civil society organisations.

The ultimate outcome of PROGRESS as set out in the Strategic framework of this programme is to ensure that "Member States implement laws, policies and practices in a manner that contributes to the desired outcomes of the Social Agenda".

Compared with the previous programmes, PROGRESS provides for increased funding and diversity of activities

The PROGRESS programme is implemented in the period of 2007-2013 and has a budgetary allocation of €743.25 million over this period. It covers the following 5 policy areas, which are reviewed in the subsequent sub-chapters:

1. *Employment* (linked to the European Employment Strategy; indicative allocation for the financial period is €170.95 million);



2. *Social protection and inclusion* (linked to open method of coordination; indicative allocation – €222.97 million);
3. *Working conditions* (linked to labour law, restructuring and anticipating change, strategy on health and safety at work; indicative allocation – €74.32 million);
4. *Anti-discrimination and diversity* (linked to the implementation and mainstreaming of the principle of non-discrimination; indicative allocation – €170.97 million);
5. *Gender equality* (linked to the implementation and mainstreaming of the principle of gender equality; indicative allocation – €89.19 million).

1.2. Results-based management within PROGRESS

Results-based strategy is at the heart of PROGRESS implementation

Given the magnitude of the challenges to be tackled, and the budget and scope of PROGRESS, successful implementation, measured in terms of effectiveness and impact, depends on a shared understanding of the role and objectives of PROGRESS, a clearer focus on activities where the Community has the strongest added-value, and a strong partnership among all stakeholders. To respond to this management challenge, the **Commission has already agreed on the results-based strategy, which will guide the implementation of PROGRESS.**

This strategy focuses on the achievement of results. In particular, it emphasises the importance of defining expected results with the involvement of key stakeholders, assessing the risks that may impede expected results, monitoring the programme designed to achieve these results through the use of appropriate performance measures, reporting on performance in achieving results, and acting on performance information.

At its heart, such management approach therefore guides all management activities towards the ultimate achievement of defined results. This represents a fundamental re-orientation away from previous management approaches that were dominated by an emphasis on inputs and activities, the assumption being that results would follow if the inputs and activities were appropriately robust. The PROGRESS management framework follows this approach which promotes benchmarking and performance analysis, emphasizes value-for-money and moves away from budget-drive operations.

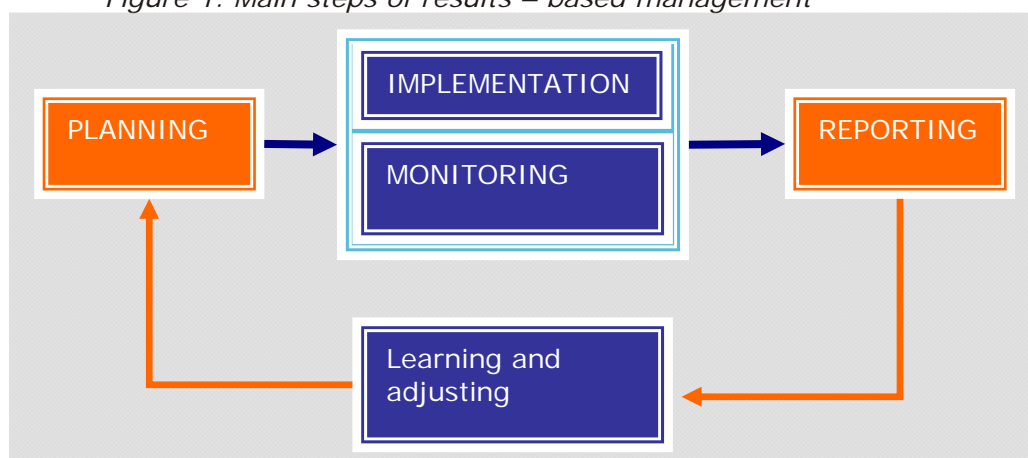
Performance monitoring is the key to informed management and improved accountability

Regular monitoring of programme results is an integral part of this approach and a key component of the informed public management and the identification of opportunities for improved public sector performance. It also serves a function of **accountability**. Such an approach focuses on the outcomes of public expenditure so as to understand the benefits of implementing various actions and making these clear to European citizens. As part of a cycle of policy making, programme implementation, and assessment, performance monitoring and reporting can inform decision makers, stakeholders and wider public and keep them involved in governance.

Therefore PROGRESS is committed to the continuous measurement of the programme's achievements towards its objectives, reporting and taking action to fine-tune the

programme in order to improve performance. A schematic illustration of the main steps involved in results-based management is provided in Figure 1.

Figure 1. Main steps of results – based management



Source: Treasury Board of Canada Secretariat, "Results Based Management" see <http://www.tbs-sct.gc.ca/rma/rbm-gar_e.asp>

The PROGRESS Strategic Framework denotes three levels of intervention logic: outputs, immediate outcomes, intermediate outcomes⁴. In order to pursue results-based monitoring and management, a Monitoring framework was also agreed which identifies the information sources and regularity of monitoring for each performance measure of the outputs and outcomes (see Annex 1).

The purpose of this Baseline assessment report is to establish the baselines for the intermediate outcomes, which are an integral part of the results-based management approach. The baseline assessment will indicate the starting position against which the actual performance of the programme will be subsequently measured.

1.3. Overview of the PROGRESS policy areas

Whenever possible this baseline assessment disaggregates the monitoring information per each of the five PROGRESS policy areas. This sub-chapter provides a short overview of each of them.

1.3.1. Employment

In the area of employment, PROGRESS aims to support the implementation of the European Employment Strategy.

European Employment Strategy (EES) was initiated at the 1997 (Luxembourg European Council) and was further developed in the

⁴ Output indicators relate to activity. They are measured in physical or monetary units (e.g., length of railroad constructed, number of firms financially supported, etc.). The term "outcomes" refer to immediate or intermediate effects these activities may (or are expected) bring about.

Lisbon and Stockholm Councils (in 2000 and 2001 respectively), where the key EU employment policy targets were set. In 2005, the EES underwent a major change and became a part of the renewed Lisbon strategy, which refocused the EU's efforts on growth and employment.

The EES is implemented on the basis of the Open Method of Co-ordination (OMC). The Member States firstly agree a set of common objectives, which are included in the Integrated Employment Guidelines. Eight Employment Guidelines were agreed for the period 2005-2008; they stressed the necessity of promoting a lifecycle approach to work, ensuring inclusive labour markets, promoting flexicurity, and increasing investment in human capital. On the basis of the Integrated Guidelines the Member States draft the Employment chapters of their National Reform Programmes (NRP), describing the national policies to pursue common objectives. These programmes are then assessed and summarised in the Joint Employment Report, which is every year prepared by the Commission and adopted in the Council.

In 2002-2006, the main programme of the Commission to support the EES was the Community incentive measures in the field of employment⁵ (or Employment Initiative Measures, EIM). In 2007 the EIM became a part of PROGRESS, which provides for the continuation of many of the important objectives and activities of the EIM. For example, the 2007 and 2008 PROGRESS Annual Work Plans foresee to provide support to such important employment policy priorities as:

- Flexicurity;
- Development of life-cycle approach to work;
- Modernisation of labour market institutions;
- Removing obstacles to workers' mobility
- Combating undeclared work;
- Better forecasts of skills needs.

In order to support the advancement towards these priorities PROGRESS provides financial assistance for carrying out analysis, evaluation, monitoring, development of indicators in respect of EES-related activities, encourages information and experience exchange by the Member States.

1.3.2. Social protection and inclusion

PROGRESS supports the implementation of the Open Method of Co-ordination in the area of social protection and inclusion.

The Open Method of Co-ordination (OMC) process in this policy field was initiated at the March 2000 Lisbon European Council, where the EU Member States and the Commission were asked to jointly take action so as to make a decisive impact on eradicating poverty by 2010. Pension policy was introduced in 2001 and health and long term care policy in 2006. In 2006, the three

⁵ Decision No. 1145/2002/EC of the European Parliament and of the Council of 10 June 2002 on Community incentive measures in the field of employment.

separate OMCs were streamlined into a single integrated OMC on Social Protection and Social Inclusion.

A key element of the OMC process in social protection and social inclusion has been the creation of a common framework for all EU Member States in the area of inclusion and poverty. National Action Plans on social protection and social inclusion (Inclusion NAPs) have consequently been prepared by all EU Member States (for 2006-2008, and then 2008-2010). Based on these Action Plans the Commission prepares the Joint Report (JR) on Social Protection and Social Inclusion, which discusses the progress, identifies common challenges and indicates strategies for the future. The 2007 JR report stated that the OMC as has played a valuable role in deepening mutual learning and in widening the involvement of stakeholders at national and European levels, increasing awareness of the multi-dimensional nature of exclusion and poverty, forging a shared approach to social protection reforms.

Community Action Programme to Combat Social Exclusion preceded PROGRESS in 2002-2006. As from 2007, PROGRESS continues many of the goals and activities of this programme and draws on its experience. PROGRESS aims to address two major concerns in social protection and social inclusion:

- Promote good policy-making for a high level of social protection and social cohesion;
- Ensure good interaction with the revised Lisbon Strategy, in order to achieve the goal of making a decisive impact on the eradication of poverty and social exclusion by 2010.

These concerns are addressed by supporting analyses and studies, developing of statistics and indicators, monitoring and evaluating the implementation of the OMC, organising exchanges on policies and processes, promoting mutual learning, raising awareness, disseminating information and promoting debate, developing the capacity of EU networks (e.g., of national experts or NGOs).

1.3.3. Working conditions

PROGRESS supports the improvement of the working environment and working conditions, including health and safety at work and reconciling work and family life.

Improvement of working conditions and health and safety at work for European workers has been one of the major objectives of the EU's social policy since the very creation of the Common Market. The legal basis for Community action in this area was set in the Treaty establishing the European Community (Articles 136, 137). Since then, a substantial body of law has been put in place (in May 2008, there were 48 directives on working conditions in force).

In the case of PROGRESS the term "working conditions" is used to cover a number of important policy sub-areas. These include:

- Labour law (minimum standards for improving working and employment conditions and governing the requirements for information and the consultation of workers);
- Restructuring (policies which enable European citizens and enterprises to better manage and anticipate change linked to globalisation and economic restructuring);
- Improving Work Conditions (a series of policy measures designed to promote well-being at work, and to encourage a culture of prevention so as to prevent work-related stress);
- Health & safety at work (a body of law governs the various health risks across different sectors).

Before PROGRESS there were a few dedicated budget lines on working conditions. PROGRESS will contribute to the implementation of the activities announced in the Commission Communication on Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work. Building on the experience of earlier initiatives and taking into account the current economic and social changes, the PROGRESS programme aims to address some major challenges, such as, for example⁶:

- Employment and social consequences of economic and market integration;
- Adapting working conditions and contractual relations to the new economy, including fostering a new balance between flexibility and security;
- Ensuring that legislation and accompanying measures in the area of health and safety at work are adequate in the light of new knowledge or technical progress.

In the area of working conditions PROGRESS supports a number of activities, including exchange of information and dialogue with stakeholders, establishing of networks, thematic campaigns, good practice guides, expertise development, preparation of anticipatory tools and similar.

1.3.4. Anti-discrimination and diversity

PROGRESS supports the effective implementation of the principle of non-discrimination and promotes its mainstreaming into all Community policies

The principle of non-discrimination and the promotion of equal opportunities for all are important for a number of reasons including promoting a high level of employment, achieving economic and social cohesion and ensuring social justice. Anti-discrimination became a part of the EU law relatively recently. There are two directives adopted in this area, both in 2000: the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC). The Directives outlaw discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. Different EU

⁶ Listed in the 2007 PROGRESS Annual Plan of Work.

legislation prohibits gender discrimination (please see the next sub-chapter).

The two anti-discrimination laws set a common minimum level of protection throughout the EU. The Racial Equality Directive was notable for going beyond the area of employment (traditionally the focus of anti-discrimination legislation) into new areas including healthcare, education and housing. Furthermore, discrimination victims have the right to make a complaint and those who discriminate can face penalties. A framework strategy for Non-discrimination and equal opportunities for all was adopted in 2005. In the field of disability the European Action Plan 2003-2010 Equal Opportunities for People with Disabilities (adopted in 2003) is currently under implementation.

In recognition of the need for financial support to help reinforce the effectiveness of anti-discrimination legislation, the EU has provided funding through the European Community Action Programme to combat Discrimination, which operated from 2001-2006. The PROGRESS programme provides follow-up support. It follows a number of directions⁷, such as, for example,:

- Guaranteeing effective legal protection against discrimination;
- Overcoming the structural barriers to achieving equal opportunities;
- Supporting stakeholders and raising awareness of the civil society.

Specific activities to pursue these aims include awareness-raising and information campaigns, expert and officials' network development, support for EU-level NGOs, studies and evaluation.

1.3.5. Gender equality

PROGRESS supports the effective implementation of the principle of gender equality and promotes gender mainstreaming in all Community policies

The promotion of gender equality is not only a fundamental right but a necessary pre-condition for the achievement of the Lisbon objectives of sustainable economic growth, more and better jobs and social cohesion. The principle has been incorporated in the Treaty since the EU's creation - the 1957 Treaty made unequal pay for men and women discriminatory. Since that time, a 13 directives concerning gender equality have been adopted including the EU's first equality law in 1975, which reinforced Treaty provisions banning pay discrimination. Further legislation on gender equality has followed including the prohibition of discrimination between women and men in employment, training, and working conditions, in statutory and occupational social security and in the area of access to goods and services. Other laws have dealt with maternity and parental leave and self-employed and assisting spouses.

⁷ See the 2007 PROGRESS Annual Plan of Work

In 2006 the EU also adopted a Roadmap for Equality between Women and Men, which provides for the major principles of gender equality that are also supported by the PROGRESS programme. PROGRESS succeeds the 2001-2006 Programme relating to the Community framework strategy on gender equality.

PROGRESS addresses the following gender equality priorities⁸:

- Achievement of equal economic independence for women and men;
- Enhancing the reconciliation of work, private and family life;
- Promoting equal participation of women and men in decision-making;
- Eliminating gender stereotypes in society;
- Improving governance at EU level.

In the area of gender equality, PROGRESS provides support to such activities as support to networking of experts, exchanges of experience and analysis, database and a network of women and men in decision making, equality awareness rising campaign and dialogue with the media, studies, support to EU wide networks, development and dissemination of statistics.

⁸ See the 2007 PROGRESS Annual Plan of Work



2. BASELINE ASSESSMENT IN RELATION TO INTERMEDIATE OUTCOMES

This Chapter of the report establishes the actual baselines, which are structured around the three intermediate outcomes –

- **Intermediate Outcome 1:** compliance in Member States with EU law related to PROGRESS areas
- **Intermediate Outcome 2:** shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of EU objectives related to PROGRESS policy areas
- **Intermediate Outcome 3:** effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas – and their performance measures defined in the programme's Strategic Framework. Wherever possible, the baselines are further disaggregated by the abovementioned PROGRESS policy areas.

2.1. Compliance in Member States with EU law related to PROGRESS areas

Performance measures in the Strategic Framework for the Implementation of PROGRESS:

1. The transposition rate of EU law on matters related to health and safety, labour law and working conditions and the information and consultation of workers, non-discrimination and gender equality in the Member States
2. The effectiveness of application of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States

The proper transposition and effective application of EU law is essential to the PROGRESS policy areas regulated by EU legislation

The proper transposition and effective application of EU law is of utmost importance for the attainment of key EU policy objectives across the PROGRESS policy areas. EU law is produced through one of the four decision-making procedures (co-decision, cooperation, consultation, assent), the basic pattern of which is more or less the same: a legislative decision is first put forward by the Commission, then there is a discussion in various committees and working groups and finally a decision is taken by the Council together with the European Parliament. In the context of PROGRESS, EU law applies to 3 (out of 5) policy areas:

- Working conditions;



- Anti-discrimination and diversity;
- Gender equality.

Directives (which may be addressed to individual, several or all Member States) form an important part of EU law; they set common objectives, but leave the Member States to choose the detailed means of implementation. However the quality and pace of such implementation has repercussions for all the EU's citizens since improper implementation may mean that their rights are not equally upheld in every Member State. Furthermore, progress towards achieving common EU objectives may risk being compromised if Directives are not implemented fully and effectively. Finally, in the context of the Single Market, non-complying Member States may receive an unfair advantage with regard to those which rigorously pursue their commitments.

For the reasons explained above, the transposition rate of EU law is regularly monitored. If a Member State fails to transpose a legal act or to implement it correctly, the Commission is entitled to initiate an infringement procedure (under article 226 EC Treaty). There are two broad types of infringements: non-communication infringements and non-conformity infringements.

The transposition of EU law is closely monitored by the Commission, which is first and foremost committed to providing assistance to the Member States in transposing and applying EU law effectively

For objectives laid down in directives to become applicable to individual citizens, an "act of transposition" by national legislators is required, whereby national law is adapted to the objectives laid down in directives. Individual citizens are given rights and bound by the legal act when the directive has been transposed into national law. Non-communication infringements are therefore initiated based on failure by Member States to correctly notify to the Commission the transposition of EU law. This type of infringements is analysed as a part of the first performance measure dealing with transposition rate (chapter 2.1.1.).

Non-conformity infringements are initiated when the transposition is presumed not to be in conformity with the Directive it transposes or cases where provisions in EU law (contained in both the EC Treaty and in Directives, but also regulations, decisions) are presumed to have been incorrectly applied. In this case a Member State will be notified by the Commission that its national measures do not conform with the Directive(s) in question. The Member State will be given a reasonable time by the Commission to put its legislation in conformity. If the procedure is not settled and the Commission is of the reasoned opinion that a Member State is still in breach of Community law, the European Court of Justice (ECJ) will be called on to pronounce on the matter. This type of infringements is analysed as a part of the second performance measure dealing with effectiveness of application of EU law (chapter 2.1.2.).

The Commission is however first and foremost committed to providing assistance to the Member States in transposing and applying EU law effectively. Indeed, one of the objectives of PROGRESS is "to support and monitor the implementation of Community law, where applicable, and Community policy objectives in the Member States". As indicated in the PROGRESS Strategic framework and Annual Work plans, in order to promote compliance with EU law, the programme supports training,

communication and awareness-raising activities, and the development of guidance.

Clear targets of reducing the transposition deficit are set at the EU level

In 2001, the Stockholm European Council decided that in the medium term the transposition deficit in relation to EU law should be no higher than 1.5 percent⁹. This target was met in 2006 when the transposition deficit decreased to 1.2 percent¹⁰. The 2007 Spring European Council decided that by 2009 the transposition deficit should be no higher than 1.0 percent.

In order to assess the compliance in Member States with EU law related to PROGRESS areas, this baseline assessment uses two performance measures, as presented in the box above. These performance measures aim at measuring two major aspects of compliance with EU law:

- The first deals with transposition of directives, as these must be transposed in the form of binding national legislation, which fulfils the requirements of legal security and clarity, and establishes an actionable legal position for individuals. Yet transposition is only the first step in compliance with EU law, as transposed provisions of EU law have to be subsequently correctly applied and effectively upheld; hence
- The second performance measure, which deals with effectiveness of application of EU law, and looks into three dimensions of it: non-conformity infringement proceedings initiated by the Commission, the activity of national courts and public opinion (as important source of pressure to apply the law effectively).

2.1.1. Transposition rate of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States

There are 63 Directives in force in the relevant PROGRESS policy areas

The baseline assessment of the transposition rate of EU law is primarily based on the information on the relevant legal acts extracted from the Commission internal databases. As on May 2008 there were 63 Directives in force in the relevant policy areas (see Table 2).

Table 2. Directives in force, May 2008

Policy area	Number of directives
Labour law	21
Health and safety	27
Anti-discrimination	2
Gender equality	13

Source: PPMI calculations based on EC data.

Not all of them were applicable to all Member States (EU 27): some of them concerned only certain Member State (for example, 4 Directives were addressed only to the UK¹¹), while a number of

⁹ Presidency conclusions – Stockholm European Council

¹⁰ European Commission (2007): *Internal Market Scoreboard*. December 2007, No. 16bis. p. 11.

¹¹ Namely: (1) Council Directive 97/74/EC of 15 December 1997 extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 94/45/EC on the establishment of a **European Works Council** or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees; (2) Council Directive 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on **part-time work** concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland; (3) Council Directive 97/75/EC of 15 December 1997 amending and extending, to the United

others were not relevant to particular Member States¹². Further assessment concerns only relevant cases, i.e. those incidences when a particular Directive has to be transposed in a given Member State.

The transposition rate concerns communication by the Member States that relevant Directives have been transposed into national law

The two key aspects assessed under this performance measure are (1) the transposition rate and (2) the so-called “fragmentation factor”. **The transposition rate** indicates the percentage of the relevant Directives in force communicated to the Commission as having been transposed, in relation to the total number of relevant Directives which should have transposed by the deadline. All cases of no communication and/or partial/incomplete communication are excluded from this ratio, that is, they are treated as failure to transpose (see Table 3).

Table 3. Transposition rate of EU law, May 2008

Policy area	Transposition rate, %
Transposition rate of EU law on matters relating to:	
1. Labour law	1. 99.4%
2. Health and safety	2. 99%
3. Anti-discrimination	3. 100%
4. Gender equality	4. 96%
	98.6%
The overall transposition rate	

Source: PPMI calculations based on EC data.

The most of the non-transposed Directives are recent ones; as time passes there seems to be an overall tendency for the transposition rate to improve

More detailed analysis of transposition rate suggests that, with very few exceptions (for example, the Czech Republic not transposing two older Directives in the area of gender equality¹³), the incidences of non-transposition concern the latest EU Directives. For example, the two Directives having the lowest transposition rate are

- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (deadline for transposition: 31 December 2007; transposition rate: 66.6%) and
- Council Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values (deadline for transposition: 1 September 2007; transposition rate: 85.1%).

There seems to be an overall tendency for the transposition rate to improve: the overall transposition rate in PROGRESS policy areas has increased from 97.7% in December 2007¹⁴ to 98.6% in May 2008 (see the table above). At more detailed level, for example, the transposition rate in the area of Anti-discrimination has improved from 92% of 1 March 2006¹⁵ to 100%. Obviously,

Kingdom of Great Britain and Northern Ireland, Directive 96/34/EC on the framework agreement on **parental leave** concluded by UNICE, CEEP and the ETUC; (4) Council Directive 98/52/EC of 13 July 1998 on the extension of Directive 97/80/EC on the **burden of proof** in cases of discrimination based on sex to the United Kingdom of Great Britain and Northern Ireland

¹² For example, Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to **asbestos** at work is not relevant to the ten Member States, which joined the EU in 2004.

¹³ Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes; Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

¹⁴ European Commission (2007): *Internal Market Scoreboard*. December 2007, No. 16bis.

¹⁵ Ernst & Young France (2006): *Évaluation du programme d'action communautaire de lutte contre la*

the adoption and coming into force of new Directives could (at least temporarily) reverse this trend.

The cases of non-transposition seem to be fairly equally dispersed among the new and old, larger and smaller Member States

A closer analysis of the transposition at the Member State level does not reveal any clear-cut correlations. There were 15 Member States which did not transpose at least one Directive applicable to them in the PROGRESS policy area, yet the cases of such non-transposition seem to be fairly equally dispersed among new and old, larger and smaller Member States (see Table 4).

Table 4. Cases of no- or partial/incomplete communication of national legislation by Member State, May 2008

Member States	Number of cases
BE, BG, DK, ES, IT, LT, HU, NL, PT, SI, FI, SE	0
DE, IE, EL, FR, CY, LV, MT, PL, SK, UK	1
CZ, EE, AT	2
LU, RO	3

Source: PPMI calculations based on EC data.

Fragmentation factor reveals what share of the Directives are not yet fully transposed by all the Member States

Another way to look at transposition is through an examination of the so-called '**fragmentation factor**'. The latter refers to "the percentage of the outstanding Directives that have not been transposed in at least one Member State with the consequence that the Internal Market is not a reality in the areas covered by those Directives"¹⁶ (see Table 5). As above, all cases of no communication and/or partial/incomplete communication by Member States here are treated as failure to transpose.

Table 5. 'Fragmentation factor', May 2008

Policy area	'Fragmentation factor', %
'Fragmentation factor' in the area of:	
1. labour law	1. 14.3% (3 directives)
2. health and safety	2. 11.1% (3 directives)
3. anti-discrimination	3. 0%
4. gender equality	4. 30.8% (4 directives)
The overall 'fragmentation factor'	15.9% (10 directives)

Source: PPMI calculations based on EC data.

Fragmentation factor in the PROGRESS policy areas is substantially higher than the average across the whole Internal Market

The overall fragmentation factor of 15.9% means that nearly one in six Directives are not transposed in all Member States, that is, they do not achieve their full effect. As seen in the table above, the most complicated policy area in this respect is Gender equality. This also compares poorly against the overall fragmentation factor of all Internal Market Directives which stood at 8% in December 2007¹⁷. This factor also indicates that cases of non-transposition are dispersed among the PROGRESS Directives (especially in the area of Gender equality), that is, they are not concentrated just around one or two directives.

In summary, the transposition deficit in PROGRESS policy areas is limited and decreasing, while the cases of non-transposition of the Directives are rather equally disbursed among the Member

discrimination (2001-2006), Bilan final 2006 (rapport final)/ Septembre 2006, p. 40. Available at: http://ec.europa.eu/employment_social/fundamental_rights/pdf/eval/bilan06_fr.pdf

¹⁶ European Commission (2007): *Internal Market Scoreboard*. December 2007, No. 16bis. p. 16.

¹⁷ European Commission (2007): *Internal Market Scoreboard*. December 2007, No. 16bis., p.16.

States and across the various relevant Directives. The lowest transposition rate and the highest fragmentation factor are in the policy area of Gender equality, followed by Working conditions, while Directives in the area of Anti-discrimination have been fully transposed.

2.1.2. The effectiveness of the application of EU law on matters related to health and safety, labour law and working conditions and information and the consultation of workers, non-discrimination and gender equality in the Member States

Effective of the application of EU law is a growing priority as attested by the Communication from the Commission "A Europe of results – applying Community law"¹⁸, which outlined four main areas in which the Commission sees scope for improvement, which include prevention (increased attention to implementation throughout the policy cycle), efficient and effective response (improved information exchange and problem-solving), improving working methods (prioritisation and acceleration in infringements management), and enhancing dialogue and transparency (between the European institutions and improving information for the public).

Even if EU law has been transposed into national legislation, this does not necessarily mean that it is being applied correctly or effectively. Importantly, the Member States may fail to comply not only with Directives but also with other EU legal acts: the provisions of the EC Treaty, regulations and decisions. The latter option however is less relevant for this baseline assessment, as PROGRESS supports the application EC Directives. Whenever EU law is not applied effectively, this fragments the Internal Market and infringes the rights of citizens, businesses and, indeed, the Member States.

The effectiveness of the application of EU law is measured across three dimensions: EU, national, and horizontal

The application of EU law is therefore a multifaceted phenomenon, and measuring its effectiveness, even more so in quantitative or other comparable terms, is not straightforward. Moreover, albeit of growing importance (as outlined above) this area is still relatively new, therefore performance information and aggregated data, which could be used for establishing the baseline, is scarce. For the purposes of this baseline assessment three dimensions will be reviewed to assess the effectiveness of application: non-conformity infringement proceedings initiated by the Commission (the EU dimension), the activity of national courts (national dimension) and public opinion (horizontal dimension).

¹⁸ Communication from the Commission "A Europe of Results – Applying Community Law" (COM/2007/0502 final); Available at: http://ec.europa.eu/governance/better_regulation/key_docs_en.htm

The EU dimension focuses on infringement proceedings initiated by the Commission when non-conformity with the Directive or incorrect application of EU law provisions is presumed

The first one concerns **non-conformity infringement proceedings initiated by the Commission (the EU dimension)**. The baseline for this aspect is primarily based on the information on the relevant legal acts extracted from the Commission's internal databases. For the purposes of the baseline all infringement proceedings initiated by the Commission in 2006 and 2007 (i.e., from January 1, 2006, to December 31, 2007; hereafter referred to as the 'reference period') are included in the analysis.

Under the Treaties the Commission is responsible for ensuring that Community law is correctly applied. As the guardian of the EC Treaty, the Commission has the option of commencing infringement proceedings under Article 226 EC against a Member State, which according to the Commission infringes Community law. The Commission can try to bring the infringement to an end, and, if necessary, may refer the case to the Court of Justice.

The subsequent analysis focuses only on non-conformity infringements, while cases of non-communication infringements, which have already been counted in the transposition deficit (and dealt with in the previous performance measure), are excluded to avoid double-counting (see Table 6).

Table 6. Non-conformity infringement proceedings (cases initiated in 01/01/2006 - 31/12/2007)

Policy area	Cases initiated	Cases resolved (%)	Average duration, months	Cases pending
1. Working conditions (incl. labour law and health and safety)	61	23 (38%)	9.8	38
2. Anti-discrimination	58	15 (26%)	11.3	43
3. Gender equality	40	2 (5%)	8.7	38
4. Total in PROGRESS policy areas	159	40 (25%)	10.5	119

Source: PPMI calculations based on EC data.

The policy area of working conditions was marked by the highest number of infringement cases initiated, but also by the relatively swift reactions from the Member States to address non-conformity; the average duration of resolving the

There were 159 non-conformity infringement proceedings initiated in the PROGRESS policy areas during the reference period, 119 of which were still pending at the end of it. The Commission was most active in the broad policy area of Working conditions, which was also characterised by the relatively swift reactions from the Member States to address non-conformity (38% of all cases initiated during the reference period have been closed). At the opposite end of the spectrum, in the area of Gender equality, there were very few cases resolved during the reference period.

It should be noted that the information in the fourth column (Table 6) showing the average amount of months it takes to resolve an infringement proceeding (i.e., to close it or to refer the case to the ECJ) is only indicative, as the indicated duration is based only on resolved cases (i.e., pending cases are not included), while an important percentage of the total cases still needs to be closed. The Internal Market Scoreboard indicates that on average it takes 25 months to resolve an infringement case in EU 15, but significantly less in EU 10 (12 months), even though the overall trend in the NMS is towards an increase in the

duration of resolving infringement cases¹⁹. Interestingly, in the PROGRESS policy areas such tendency is not established, as the average duration of resolving the above indicated cases is largely the same: in EU 15 it was 10 months, while in EU 10 – 11 months.

On average at the end of 2007 there were 4.4 open infringement cases per Member State in the PROGRESS policy areas (see Table 7).

Table 7. Pending non-conformity cases by Member State (cases initiated in 01/01/2006 - 31/12/2007)

Member States	Number of cases
BG, IE, LU, PT, RO, SI	0 – 2
AT, BE, CY, CZ, DE, DK, EE, ES, FI, HU, IT, LV, LT, MT, NL, SE, SK	3 – 6
EL, FR, PL, UK	7 - ...

Source: PPMI calculations based on EC data.

In comparison, in November 2007 on average there were 49 open infringement cases per Member State²⁰. That is, infringement cases under the broader heading of “Employment” (used in the Internal Market Scoreboards) account for some 10 percent of total infringement cases. In this respect the broader heading of “Employment” ranked fourth in the Internal Market Scoreboard (November 2007): only the sectors of the Environment, Taxation and customs union, and Energy and transport registered more open infringement cases.

The national dimension focuses on the activity of national courts and assesses two aspects: references for preliminary rulings to ECJ and litigation/dispute settlement activities

The second of the three dimensions used to assess the effectiveness of the application of EU law deals **with the activity of national courts (the national dimension)**, which retain jurisdiction to review the implementation of EU law for which the authorities of the Member States are essentially responsible. According to the European Court of Justice (ECJ) case law, it is not the responsibility of the ECJ to decide national cases but only to interpret EU law, while it is for national courts to apply EU law as interpreted by the ECJ to the specific cases. National courts are thus by their nature guarantors of EU law. Their activity is assessed on two grounds. First, to ensure the effective and uniform application of EU law, national courts may, and sometimes must, turn to the European Court of Justice and ask that it clarify a point concerning the interpretation of EU law. *References for preliminary rulings* in the PROGRESS policy areas are therefore analysed below.

In 2006-2007 most of the references for preliminary ruling concerned the area of Working Conditions; none of the references originated from the new Member States

The assessment is primarily based on the information extracted from the European Court of Justice case-law database²¹. In 2006-2007 there were 63 referrals for preliminary ruling lodged at the ECJ, of which 51 related to Working conditions, 19 – Anti-discrimination and 8 – Gender equality (note: some cases concerned several policy areas). Importantly, they came exclusively from the EU 15 (in total, 13 Member States have lodged at least one referral), while none of them originated from the new Member States. Having in mind the importance of

¹⁹ See European Commission (2007): *Internal Market Scoreboard*. December 2007, No. 16bis.

²⁰ See European Commission (2007): *Internal Market Scoreboard*. December 2007, No. 16bis. p. 20.

²¹ <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>

national courts referred to above, this raises concerns about the effectiveness of the application of EU law in question in the new Member States.

Second, *litigation/dispute settlement activities* (both by national courts and Equality Bodies or institutions fulfilling a similar role) are an important proxy to indicate the impact of EU law in practice. Yet the measurement of this proxy is a complicated task, and it rests primarily on the interpretation of informed observers. This proxy indicator has also to be addressed with caution as intensity of litigation/dispute settlement activities (which is measured here) also depends on administrative and litigation culture in a given Member State, whereby in some of them preference may be given to resolving disputes in less conflictual manner. The baseline here was established only in the field of Gender equality, where according to the reports of the Network of legal experts²², in 2006-2007 in 7 Member States (25%) there were no *active/substantial* litigation / dispute settlement activities (landmark cases in national courts, or decisions by Equality Bodies). An analysis of these reports also indicates that similar litigation/dispute settlement activities are much more active in older Member States than in the new ones.

National courts' activity in the field of Gender equality is rather low, especially in the new Member States

This indication should be interpreted in the light of the earlier established baselines. Namely, the field of Gender equality is characterised by the lowest transposition rate and the highest fragmentation factor what concerns transposition of Directives (please see Chapter 2.1.1.), yet relatively low national courts' activity, especially in the new Member States.

There was insufficient data to establish estimates on litigation/dispute settlement activities in the fields of Anti-discrimination and Working conditions.

The horizontal dimension addresses public opinion, which is important means of influencing the effectiveness of the application of EU law across the PROGRESS areas

Along with the non-conformity infringement proceedings and the possibility of referring cases to the ECJ for a preliminary ruling, *public opinion* and peer pressure are important means of influencing the effectiveness of the application of EU law across the PROGRESS areas. Therefore the third and final dimension used to assess the effectiveness of application of EU law is **the public opinion, more specifically, awareness of the EU law in question (horizontal dimension)**. Although it is a proxy indicator as it only indirectly relates to the effective application of the EU law, it nevertheless represents a very important prerequisite for the effective application of EU law, as both preceding dimensions to a large extent depend on the active stance of individuals. For one, anyone may lodge a complaint with the Commission against a Member State about any state measure (law, regulation or administrative action) or administrative practice which he/she considers incompatible with Community law. On the other hand, many provisions of the Treaties and of secondary legislation in the PROGRESS policy areas directly confer individual rights on the nationals of Member States, which national courts must uphold.

²² The regular Bulletins on Legal Issues in Equality which are produced by a group of legal experts on the application of Community law on equal treatment between men and women are available from http://ec.europa.eu/employment_social/gender_equality/legislation/bulletin_en.html

Average levels of awareness about the existence of anti-discrimination laws are quite low in the EU areas

As far as the policy areas of Anti-discrimination and Gender equality are concerned, it is important to note that average levels of awareness about the existence of anti-discrimination or equality laws are quite low in the EU. According to special Eurobarometer report²³ in 2006 disability was the only type of discrimination which more than half of the European public knew was prohibited by law when hiring new employees (51%). This was followed by gender (40%), race or ethnic origin (36%), religion or belief (35 %), age (31%) and sexual orientation (30%). Again, awareness levels about legal protection from discrimination for individuals varied greatly between the former EU15 Member States (higher awareness) and the New Member States (lower awareness).

Data on public opinion as to EU law in the field of Working conditions was not available.

²³ Discrimination in the European Union // Special Eurobarometer 263, January 2007. Available at http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm

2.2. Shared understanding and ownership of EU objectives

Performance measures in the Strategic Framework for the Implementation of PROGRESS:

1. Attitudes of decision-makers, key stakeholders and the general public regarding EU objectives in PROGRESS policy areas
2. Extent to which national policy discourses or priorities reflect EU objectives

Shared understanding does not mean convergence of opinions towards a single model...

...however it is important given the complexity of inter-linkages between various actors and policies...

...and refers to the ability of those involved in national and EU processes to appreciate national contexts and to learn from each other while understanding the common challenges

There needs to be a shared understanding and ownership of EU objectives and policies among stakeholders at various levels of the EU policy making. This enables the Member States to pursue a co-ordinated policy direction and to achieve common policy objectives.

Importantly, the notion of shared understanding **does not mean a convergence of opinions** towards any single model. Rather, it means that all the actors involved in the process share their practices and discuss their achievements. In the process they are able to appreciate both the importance of national contexts (and thus the wide diversity of measures used to pursue state policies) as well as the common challenges. Ideally, based on such a shared understanding, common objectives are developed and therefore owned by actors at various levels. This should lead to a better achievement of these objectives.

In a globalised world the Member States face many common challenges and different policy areas are closely inter-related. Meanwhile, the division of responsibilities between the Commission and the Member States differ for policy areas covered by PROGRESS. The EU has competences in some of these areas (Working conditions, Anti-discrimination and Gender equality) and regulates them using the EU legislation. The competence for the other policy areas (Employment, Social protection and social inclusion) lies primarily with the Member States. These policies are co-ordinated on the basis of the Open method of co-ordination (OMC), which encourages the Member States to jointly set common guidelines, objectives and targets yet the Member States have to determine their own means and forms of implementation. Under the OMC, the Commission acts first and foremost as a facilitator and often – an initiator of discussion among Member States and encourages the exchange of good practices.

All in all, given such complexity of inter-linkages between actors and policies, shared understanding is of utmost importance. **It refers to the ability and willingness of the Member States and stakeholders to learn from each other's practices while appreciating both the national contexts as well as the common challenges.** Ideally, this should lead to policy ownership, concerted (though not necessarily alike) actions at

both the EU and Member State levels and progress in achieving common objectives. PROGRESS supports various actions to promote these aims: analysis, policy advice, mutual learning etc.

The two performance measures used to measure attainment of the intermediate objective of shared understanding and objectives' ownership cover two closely interrelated, yet distinct aspects:

- The first measure relates to **attitudes**, that is, perceptions of decision-makers, key stakeholders and general public. Thus its analysis and assessment are based on the results of public opinion polls, expert surveys, interviews, etc.;
- The second measure focuses on national discourses and **priorities**, that is, the policy choices and priorities as defined in the national strategic and other official documents. Analysis and assessment of this measure are therefore based on content analysis of various policies and documents.

2.2.1. Attitudes of decision-makers, key stakeholders and the general public regarding EU objectives in PROGRESS policy areas

A straightforward and direct assessment of this performance measure is difficult; some proxy indicators have to be used instead. First of all, **the attitudes of the general public** with regard to the EU role in PROGRESS policy areas will be assessed (following the assumption that those who see such role as positive would also share the EU's objectives). Secondly, **the penetration level** will be examined, i.e. the extent to which the EU objectives reach wider socio-political circles in the Member States. This indicator allows assessing to what extent the attitudes of the general public or concrete actors are informed by a deeper understanding of EU's role and contribution.

The assessment of the first aforementioned aspect draws upon Eurobarometer data, which show that the EU citizens have generally a positive view on the EU's role in all the PROGRESS policy areas, especially in Anti-discrimination and Gender equality (see Table 8)²⁴.

Table 8: Attitudes of the general public with regard to PROGRESS policy areas

Policy area	The question	Responses
All PROGRESS areas; general employment and social affairs	Would you say that what you see, read or hear about what the European Union does in the area of employment and social affairs is very positive, fairly positive, fairly negative or very negative?	Positive: 56% Negative: 25%
Social protection and inclusion	To what extent you think the European Union has a positive or negative impact in fighting against social exclusion and poverty	Positive: 71% Negative: 16%
Working	To what extent you think the European Union	Positive: 70%

²⁴ The phenomenon when the public opinion concerning separate policy areas is more positive than the attitude towards general field of policy is well-known to the policy researchers; e.g., it is quite common that citizens are rather negative towards government or its policy in general, however when asked about functioning of certain concrete institution or public service, to which they can relate themselves, they suddenly express much more positive views.

Eurobarometer reports show that EU citizens have a positive overall impression of the EU's role in all five of the PROGRESS areas, especially in Anti-discrimination and Gender equality.

conditions	has a positive or negative impact in setting minimum standards for working conditions throughout the EU	Negative: 14%
Anti-discrimination	To what extent you think the European Union has a positive or negative impact on combating other (than gender based) forms of discrimination?	Positive: 75% Negative: 12%
Gender equality	To what extent you think the European Union has a positive or negative impact on promoting equality between women and men	Positive: 76% Negative: 11%

Source: Eurobarometer (2006): *European Employment and Social Policy*. No. 261. Available at [http://ec.europa.eu/public_opinion/archives/ebs/ebs261_en.pdf].

Next, it was tested that these responses indicate attitude towards a specific policy area and not just general attitude towards the EU. The analysis established that at the Member State level there was no correlation between these responses and general attitudes of citizens in a given Member State towards the EU. This means that the answers provided in the Table above do not directly relate in a straightforward way to European citizens' general views about the EU.

In the fields of Anti-discrimination and Gender equality, in most of the countries, 3/4 and more of the citizens have a positive view on the EU's role

In addition, the analysis of fragmentation of public opinion among the Member States (see Table 9 below) shows, that in most EU countries European citizens are especially positive with regard to the EU's role in promoting Gender equality and Anti-discrimination. In comparison, the same level of especially positive attitude towards the EU's role in promoting Social protection and inclusion is found in one third of the Member States, and in the case of promoting Employment and Working conditions - only in one quarter of the States.

Table 9. Fragmentation of public opinion with regard to PROGRESS policy areas (share of Member States where 75% or more percent of citizens were positive)

Policy area	Share of Member States (EU25), %, 2006
Employment	24%
Social protection and inclusion	33%
Working conditions	24%
Non-discrimination	52%
Gender equality	64%

Source: Eurobarometer (2006): *European Employment and Social Policy*. No. 261. Available at [http://ec.europa.eu/public_opinion/archives/ebs/ebs261_en.pdf].

Various stakeholders also find the common approach and thus the role of the EU positive, while national contexts are also taken into account

In 2007 an independent assessment was carried out of the position of stakeholders with regard to the European Employment Strategy (EES)²⁵. Its conclusions have repercussions not only for Employment but also for some other PROGRESS areas. Various stakeholders in the employment policy field were interviewed, including policy officials, social partners and NGOs²⁶. The main conclusions of the study are presented in Table 10. (This was a qualitative study, therefore no quantitative assessments were made). The Table indicates that the major stakeholders have

²⁵ Optem (2007): *Qualitative Study on the European Employment Strategy: Analysis of the Attitudes of the Main Actors in Employment Policy in 28 European Countries*. [Available at Europa.eu]

²⁶ In total 374 officials were interviewed in all 27 Member States plus Turkey.

largely alike attitudes with regard to the main challenges faced by the EU countries and find a common approach useful (thus, the role of the EU is assessed as positive). Importantly, from the perspective of assessing the shared understanding, the respondents' views are informed both by concerns about situation in their countries as well as the understanding of common challenges.

On the other hand, the stakeholders have uneven knowledge of the key concepts (and thus – the objectives) of the EES and point to a rather limited penetration level of EU objectives into the wider socio-political circles

The second aspect of this performance measure concerns the **penetration level of the EU's objectives into the wider socio-political circles in the Member States**. As indicated in the Table 10, the wider circles of decision-makers and stakeholders at the national level appear to have uneven knowledge of the key concepts (and thus – the objectives) of the EES. On the one hand, most of them recognise that an overall direction of the EES is relevant and share concern for maintaining the social dimension among the utmost priorities of the EU. On the other hand, they also claim that many of the more specific concepts are still familiar to a rather narrow circle of policy officials and have not "reached downwards" to national Parliaments, regional decision makers, important social partners and representatives of civil society.

Table 10. Qualitative assessment of stakeholders' position with regard to the European Employment Strategy

Conclusions from the study	Comments
Respondents have largely common perceptions of the challenges relating to employment for the European countries	The most commonly mentioned challenges include globalisation and increased competition and the resulting need for competitiveness, demographic change, and the question of quantitative labour needs
Practically no one denies the relevance and usefulness of a common approach to these problems, although there are slight differences in how they are assessed	However, respondents often have some reservations and indicate that "precautions" need to be taken
When the respondents are asked about the relevance of the European Employment Strategy with regard to the employment situation in their own Member State, the respondents point at problems that are specific or that have particular aspects in their country	But they do not question the existence of challenges and problems of a similar nature across Europe from a medium to long term perspective
Knowledge about the changes that have been made to the European Employment Strategy is uneven.	The respondents tend to differ in their knowledge and opinion regarding the main implementation challenges of the EES. Opinions diverge regarding prioritisation: full employment vs. job quality; economic considerations vs. social ones
Overall assessments of the European Employment Strategy include a largely shared recognition that the Strategy's general directions are relevant, as well as worries about the risk of the social dimension in a wide sense slipping down to a secondary priority level.	Many actors have doubts if the employment aspect is not neglected or secondary to economic objectives
The application of the OMC does have some merits as a tool for identifying and analysing problems, as a framework for action, as a framework for experience	However, some respondents express doubts about the efficacy of this method

exchange	
The respondents have a different view regarding the deeper penetration of the EES concepts in sociopolitical circles in Member States	They believe awareness about the importance and role of the EES is low beyond the limited number of officials directly involved. Key EES concepts have not "reached downwards", neither to national Parliaments, nor regional decision makers, nor a large number of social partners and representatives of civil society with the exception of those "specialised"

Source: Optem (2007): Qualitative Study on the European Employment Strategy: Analysis of the Attitudes of the Main Actors in Employment Policy in 28 European Countries [Available at Europa.eu].

Expert analysis of the social inclusion OMC also showed that only a narrow group of actors is well-informed of the process and its objectives while public at large remains mostly unaware

The latter conclusion is supported by other expert assessments, specifically in the area of Social inclusion. The 2008 Report of peer review in social protection and social inclusion showed that when it comes to a more detailed understanding as to how the EU makes a difference to national policies, the wider circles are rather unaware²⁷. The experts claimed that "awareness of the social inclusion strand of the Social OMC is limited to a narrow band of actors in most Member States. The best informed people are predominantly senior officials, decision-makers and politicians and those NGOs active in the process"²⁸. They also state that "In most countries there is virtually no media or public awareness of the Social OMC and no political debate about the process. In only a small number of countries does there appear to be much interest within the academic community or significant social partner engagement"²⁹.

2.2.2. Extent to which national policy discourses or priorities reflect EU objectives

The baseline of the second performance measure is assessed on the basis of analysis of such policy documents as National Reform Programmes (NRPs) and National Strategy Reports on Social Inclusion and Social Protection (NSR SPSI). The assessment is based on the following aspects:

- The number of recommendations by the Commission to the Member States' NRPs (following the assumption that if there are no recommendations, this is a good indication of alignment between national priorities and EU policy objectives);
- The assessment by the European Commission of progress in directing national policies towards the objectives of the European Employment Strategy;
- Interaction between the NRPs and NSRs (following the assumption that a strong interaction shows a good level of understanding between national and the EU level);
- Impact of the OMC (leading to the NRPs and NSRs) on the national policy process (good impact would show that the EU objectives are well reflected at the national level);

²⁷ Frazer, H. and Marlier, E. (2008): Building a Stronger EU Inclusion Process: Analysis and Recommendations of the EU Network of Independent National Experts on Social Inclusion. *Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion*. Available at http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/experts_reports/synthesis1_2008_en.pdf

²⁸ Ibid., p. 3.

²⁹ Ibid.

- Gender mainstreaming at the national level, as reflected in the NRPs and NSRs (following the assumption that Gender equality is one of the major principles promoted by the EU).

The 2007 AAR provides rather mixed evidence with regard to the second PM

The 2007 Annual Activity Report (AAR) by DG Employment provides an overall view on the Commission's targets and their achievement (see Table 11) for this performance measure. According to the AAR, the achievements to date have been rather mixed. On the one hand, a substantial number of Member States reported Social Inclusion strategies which are consistent with EU objectives. Also, the visibility of gender issues in the NRPs and the NSR SPSI was quite high, but with clear potential for improvement. On the other hand, for some areas (employment, working conditions) the baselines were not established. As far as non-discrimination is concerned, only a few of the Member States have presented specific objectives on national minorities in their NSR SPSI (see Table 11).

Table 11: Extent to which national policy discourses or priorities reflect EU objectives

Indicator	Achievement
Extent to which national policy discourses or priorities reflect EU objectives related to : 1. employment 2. social protection and inclusion 3. working conditions a) adaptation to change b) health and safety at work 4. antidiscrimination 5. gender equality	1. The Lisbon Annual Progress Report (2006) contained 125 recommendations in the field of Employment addressed to Member States 2. In the Social Inclusion Reports in the OMC, 66% of Member States report policy or strategies consistent with EU objectives (2006) - baseline to be determined 3. a) National seminars organized by European social partners on restructuring) baseline to be determined b) Establishment of a working group in the advisory Committee of health and safety to develop a scoreboard 4. In the Social Inclusion Reports in the OMC, only few Member States have presented specific objectives regarding ethnic minorities 5. Visibility of gender issues : * in 66% of Employment NRPs (2007); * in 66% of Social Inclusion Reports in the OMC (2006)

Source: DG Employment, Social Affairs and Equal opportunities (2007): Annual Activity Report

Based on the analysis of the Commission's recommendations on NRPs, seven Member States may be claimed as having fully aligned their employment policies with the EU objectives

Turning to the first aforementioned aspect of the baseline, the PPMI analysis of **recommendations put forward by the Commission** on the NRPs revealed that there were 7 Member States (26%) where the Commission (and later on – the Council in its Country-Specific Integrated Recommendations) did not make any recommendations for substantial improvement in the field of Member States' employment policies. This is a proxy for how well national policy priorities in the field of employment reflect EU objectives.

The analysis of policy change shows that in certain areas (adaptability, flexicurity) the member states did reorient their policies...

It is also very important to establish **the dynamics** of progress in directing the national policies towards the common objectives. The Commission provides such assessment in the Companion Document of the Strategic Report on the renewed Lisbon strategy³⁰. The Commission emphasised explicitly, that in certain areas the policy re-orientation is visible and initiatives at the EU level do make a difference in this process. Especially, the

³⁰ European Commission (2007): Strategic report on the renewed Lisbon strategy for growth and jobs: launching the new cycle (2008-2010). Companion Document. COM(2007) 803 final. Part III: The Commission Draft of the Joint Employment Report 2007/8. p. 51-62.

Commission emphasised change of national policies towards integrating such principles as adaptability and flexicurity:

- “Whereas promoting the adaptability of workers and enterprises received little attention in the first year of the new cycle launched in 2005, a careful examination shows that the political prioritisation by the European Council and the wide debate since then on flexicurity has brought about an important turn-around, and increased the awareness of the benefits that flexicurity policies can bring”³¹.
- “About half of the Member States have now developed or are developing comprehensive flexicurity approaches, and combining efforts on contractual arrangements, lifelong learning, active labour market policies and social security systems. This is a considerable improvement from only a handful in 2006”³². (p. 58).

...while in the areas such as labour market and social reform, substantial policy change is yet to be initiated in most of the countries

On the other hand the Commission also noted that in some areas national policies do not quite follow the guidance steaming from the EU objectives. Specifically, it indicated that the Member States have not yet re-orientated their policies towards labour market and social reforms:

- In the employment policy, “the focus of the policy response still tends to be more on easing labour market regulation for new entrants and facilitating more contractual diversity than on reforming existing mainstream labour legislation”³³;
- “Active labour market policies, although becoming more personalised, have been subject to a decline in expenditures since 2000 both as a share of GDP and per worker”³⁴;
- “Reforms of social security systems have tended to be limited to pension reforms”³⁵;
- “Still only very few Member States have a comprehensive lifecycle approach to work”³⁶ (p. 55).

The analysis of interaction between NRPs and NSRs (as a proxy for reflection of EU objectives in national policy discourses) show that less than half of the MS demonstrate strong linkages

The next proxy indicator for the reflection of EU objectives in national policy discourses is the **interaction between the economic and labour market policies (NRPs) on the one hand and social cohesion policies (NSR SPSI) on the other**. The importance of such inter-linkages is emphasised in the Presidency conclusions of European Councils and Guidelines for preparing both the NRPs and NSRs. A strong political commitment is necessary to achieve this, since many of the Member States face difficulties when it comes to ensuring horizontal coordination between social and economic objectives.

In 2007, the peer review in social protection and social inclusion concluded that “in most Member States ‘explicit’ linkages between the National Reform Programmes on growth and jobs

³¹ Ibid, p. 58.

³² Ibid.

³³ Ibid., p. 51.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid., p. 55.

(and subsequent implementation reports) and SPSI policies remain very limited or non-existent. On the other hand, some “implicit” linkages can be identified in a significant number of countries³⁷. The experts also noticed that “linkages between the NRP and SPSI processes are most evident in the area of employment policies and considerable progress is being made in some countries in reaching groups facing particular difficulties”³⁸.

These conclusions are largely supported by the PPMI analysis carried out for this baseline assessment report. In 2006 NRP Implementation Reports (NRPIRs), only ten Member States included social inclusion objectives (including gender equality) among their national priorities or referred extensively to them, while the remainder briefly cross-referenced the OMC NSR SPSI (9 MS), referred exclusively to labour market inclusion (4 MS), or omitted any mention of social inclusion altogether (4 MS).

Meanwhile, the qualitative analysis of how the Commission assesses interaction between the NSRs (2006-2008) and the NRPs shows that, in the Commission’s opinion:

- 10 Member States demonstrated strong interaction between the NRPs and NSRs (the Commission uses phrases such as “effective and mutual interaction between the NSR and NRP/ Lisbon”; NRPs and NSRs are “fully consistent”, “fully coherent”, “strongly interlinked”, etc.);
- 13 Member States demonstrated sufficient interaction (the Commission notes that “NSR refers to NRP”, “provides links to NRP”, “NSR is broadly in line with the NRP”, “NRP is mentioned in the NSR”, etc.);
- 4 Member States showed limited interaction (phrases such as “further efforts are needed to illustrate mutually reinforcing actions”)³⁹.

Similarly, in the area of social inclusion, the conclusion of peer-review exercise was that social inclusion OMC has become an important part of policy process in no more than quarter of MS

In the area of Social inclusion, **impact of OMC on national policy process** may be used as a useful proxy to measure complementarity between national discourses and EU objectives. In 2008 a peer review exercise was carried out, which concluded that overall social inclusion OMC did contribute to “Member States developing common understanding of concepts and to identifying and agreeing on key priorities” (although in some countries more than the others)⁴⁰. On the other hand the Social inclusion OMC can be said “to have become an important part of the policy making process” in “not more than a quarter of countries”⁴¹. The experts indicate that “in most Member States” the process “has a very low political priority” and “is considered

³⁷ Frazer, H. and Marlier, E. (2008): “Feeding in” and “feeding out”: The extent of synergies between growth and jobs policies and social inclusion policies across the EU: Independent overview based on the 2007 second semester national reports of national independent experts on social inclusion. *Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion*, p. 5-6. Available at http://ec.europa.eu/employment_social/spsi/expert_reports_en.htm#2007_2

³⁸ Ibid.

³⁹ Based on PPMI analysis of: European Commission (2007): Joint Report on Social Protection and Social Inclusion. Country Profiles. *Commission Staff Working Papers*.

⁴⁰ Frazer, H. and Marlier, E. (2008): Building a Stronger EU Inclusion Process: Analysis and Recommendations of the EU Network of Independent National Experts on Social Inclusion. *Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion*, p. 4. Available at http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/experts_reports/synthesis1_2008_en.pdf

⁴¹ Ibid.

Gender mainstreaming is another useful indicator for dialogue between national discourses and EUs objectives. A quarter of the MS may be said to demonstrate a strong gender mainstreaming

to be mainly an administrative reporting exercise"⁴². To the extent the OMC process did make a difference in some Member States, it has been the most visible in "promoting the circulation of ideas and in championing concepts such as the need for a multi-dimensional approach and framework for understanding poverty and social exclusion or the need to mobilise and involve all relevant actors and all levels of governance"⁴³.

Finally, **gender mainstreaming** is another important area of PROGRESS. In principle, both the EU and many of the Member States have a long-standing commitment to the promotion of gender equality. However when it comes to the practical integration or 'mainstreaming' of this principle into national policies and discourses, there appear to have been some difficulties. Based on their analysis of the 2006-2008 NSR, the experts engaged in peer-review in social protection and social inclusion indicated that "gender equality and the gender dimension of policies are not given sufficient attention by most Member States"⁴⁴.

The PPMI analysis of country profiles developed by the Commission for the 2007 Joint Report showed a somewhat better integration of the gender aspect. In the Commission's opinion:

- 7 Member States demonstrated strong gender mainstreaming into social inclusion policies (the Commission uses phrases such as "gender equality underpins the overall approach", "gender is a significant aspect", "attention and visibility of gender issues are adequate", etc.);
- 8 Member States provided for sufficient mainstreaming ("approach to gender equality is mixed", "room for progress", "some gender mainstreaming", "limited visibility", "some references are made", etc.);
- In 9 Member States the extent of mainstreaming was limited ("not systematically applied", "gender mainstreaming remains declarative", "gender mainstreaming is not evident", "limited attention to gender");
- The Commission did not comment on gender mainstreaming in the case of 3 Member States.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Frazer, H. and Marlier, E. (2008): "Feeding in" and "feeding out": The extent of synergies between growth and jobs policies and social inclusion policies across the EU: Independent overview based on the 2007 second semester national reports of national independent experts on social inclusion. *Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion*, p. 6. Available at http://ec.europa.eu/employment_social/spsi/expert_reports_en.htm#2007_2

2.3. Effective partnerships with national and pan-European stakeholders

Performance measures in the Strategic Framework for the Implementation of PROGRESS:

1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies
2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels
3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas

Strong partnership is an important prerequisite for agreeing and implementing EU objectives across the PROGRESS policy areas

Partnerships between decision-makers and various national and pan-European stakeholders is an important pre-requisite for agreeing and implementing EU objectives across the PROGRESS policy areas. **Effective partnerships** imply information sharing, knowledge transfer, exchange of experiences, long-term collaboration, joint decision making. As a result, scope for reaching compromises is created while at the same time respecting important concerns of the participating parties. Furthermore, partnerships also produce a favourable environment for mutual adjustment, which is necessary to pursue common goals.

This baseline assesses partnerships at the European level...

The partnerships as defined above can be analysed at two – (1) the EU and (2) national (Member States') – levels. The present baseline assessment **primarily focuses on the EU level partnerships**; that is, it essentially analyses policy-makers active at the EU level, while pan-European stakeholders are understood as the key EU networks supported by the Commission.

Such focus is mostly caused by the limited availability of existing data on the issue at national level. Partnership at the national level will be closer analysed and assessed using the extensive annual survey to be launched a part of a regular performance monitoring process in the Autumn 2008. This survey will, *inter alia*, involve wider circle of national policy-makers, including those who do not participate in PROGRESS activities directly but have a clear stake in what PROGRESS produces (in terms of analysis, good practices and so on). It will also survey a much wider range of stakeholders, including the national members of key EU networks as well as other representatives of social partners and civil society in the Member States.

...and in the policy areas where Commission provides funding to EU-wide networks: (1) Social protection and inclusion; (2) Anti-discrimination and diversity; (3) Gender equality

The notion of effective partnerships may be operationalised in terms of three aspects: the level of mutual understanding between partners, the representativeness of those involved and achievements of partnerships

Therefore, while in the context of PROGRESS programme partnerships are important across all five policy areas, in this report **partnership is essentially analysed in three of them**, where the Commission uses PROGRESS to provide support for the key EU-wide networks; namely:

- Social protection and inclusion;
- Anti-discrimination and diversity;
- Gender equality.

In order to strengthen these partnerships, PROGRESS provides financial support to the key EU-wide networks (specifically, funding is made available to cover operational costs and / or to support specific projects through Calls for Proposals, CfPs). However, the analysis of partnerships is not limited to them. Partnerships between (and within) the Commission and the Member States, between the Commission and other EU level decision makers are also of utmost importance in facilitating policy co-ordination and in strategically focusing decision makers on working towards the most important common goals.

In order to assess the effectiveness of partnerships, this baseline assessment uses three performance measures, as presented in the box above. These performance measures aim at measuring three major aspects of partnership effectiveness:

- The first measure addresses the question of the extent to which mutual interaction between stakeholders is based on **mutual understanding** of both (1) specific contexts faced by these stakeholders and (2) common needs. This, in fact, refers to the existence of common ground or consensus between those involved in partnerships. On the one hand, such common ground is an important factor, enabling successful partnerships. On the other hand, the assumption is that continuous interaction between various actors does contribute to the development of common ground on issues of common interest;
- The second measure relates to the issue of **representation**: whether those involved in partnerships are indeed the ones who can make a difference to European and national policies. The assumption here is that whatever the level of common ground between the partners, it will not make partnerships more effective if key actors do not participate;
- Finally, the third measure assesses the actual **achievements** of partnerships in PROGRESS policy areas. The major question here is, to what extent the partnerships delivered concrete results in improving in the EU policy-making and implementation.

2.3.1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies

The assessment is primarily based on a dedicated survey on partnership conducted by PPMI in June – July 2008 (see Annex 2 for detailed information on the survey). The baseline for this

performance measure assesses both the level of consensus (i.e., static baseline) and the trend in its change – whether it is increasing, decreasing or stable (i.e., dynamic baseline). Several lines of analysis have been undertaken, including the existence of consensus between:

- The Member States and the Commission;
- The Commission and other EU-level policy and decision makers (for example, Council, European Parliament);
- The Commission and EU wide networks/ NGOs;
- The Member States and EU wide networks/ NGOs.

Measurement of consensus/ common ground does not mean that convergence of opinions is advocated

It is important to state that consensus between those involved in partnerships is an important sign of mutual understanding and shared objectives. Yet this **does not mean that a straightforward convergence of approaches is advocated**. Rather the opposite, the assumption is that partnership process provides a framework through which the participants share their experiences and good practices, however different they might be. However, due to this interaction, continuous assessment of progress and peer reviews, it is reasonable to expect that the participants will gradually develop a shared understanding on what approaches are workable, yet fit their specific contexts and are the most appropriate to achieve EU goals. This is an important means of working towards creating a consensus.

According to the survey, most of the policy actors see either strong or large degree of consensus/ common ground on the major policy objectives

The first aspect for baseline assessment is **the level of common ground/ consensus between those involved in partnerships at the European level** (static baseline). The survey data allow assessing two important dimensions: a) what are the general attitudes a specific group of policy actors regarding the level of consensus with other type of actors; b) how alike (or different) are the assessments of two groups of actors regarding the level of consensus between them.

The survey showed that more than three-quarters of the actors (the Commission representatives⁴⁵, Member state respondents⁴⁶, EU level networks/ NGOs representatives⁴⁷) observed that between them there was either a strong or a large degree of consensus/ common ground (see Figures 2a, 3a, 4a) on EU objectives and policies.

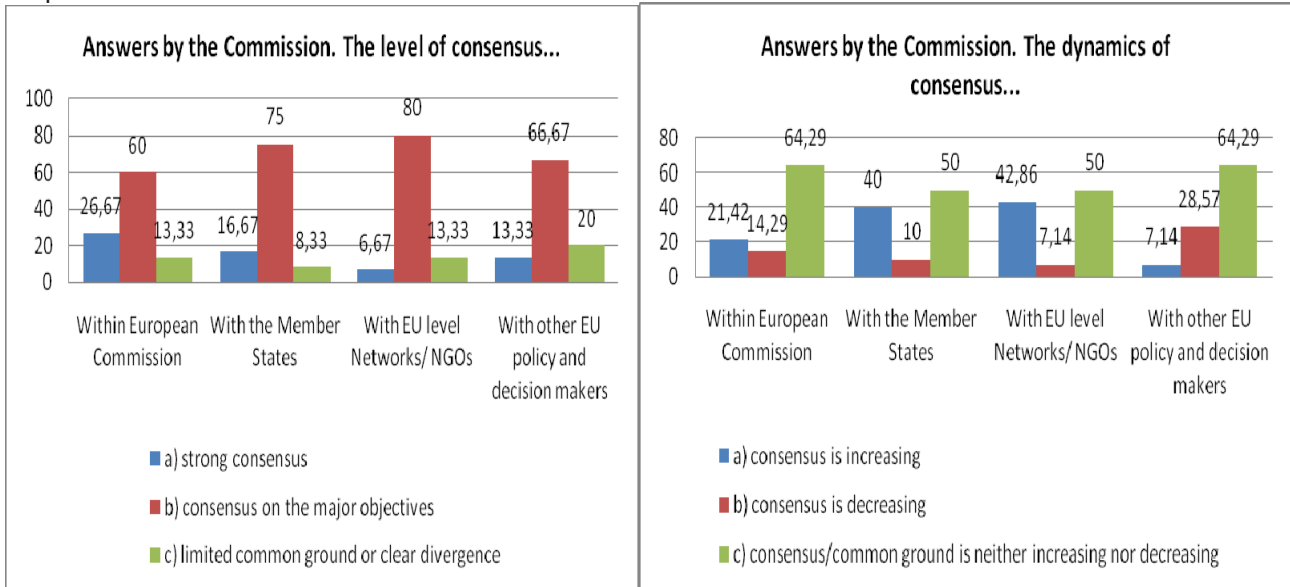
Importantly, both the Member States and the Commission provided essentially the same assessments with regard to the level of consensus between them (see Figures 2a and 3a). This means that they evaluate partnership between them essentially in similar terms. In the same vein, the Commission and the EU level networks/ NGOs do not differ significantly in assessing their mutual level of consensus (see Figures 2a and 4a).

⁴⁵ The survey was distributed to 36 EC officials, 16 of which responded.

⁴⁶ The survey was distributed to 41 key EU networks/NGOs, 22 of which responded.

⁴⁷ The survey was distributed to 341 Member State representatives, 77 of which responded.

Figures 2a and 2b. The level and dynamics of consensus according to the Commission, % of respondents

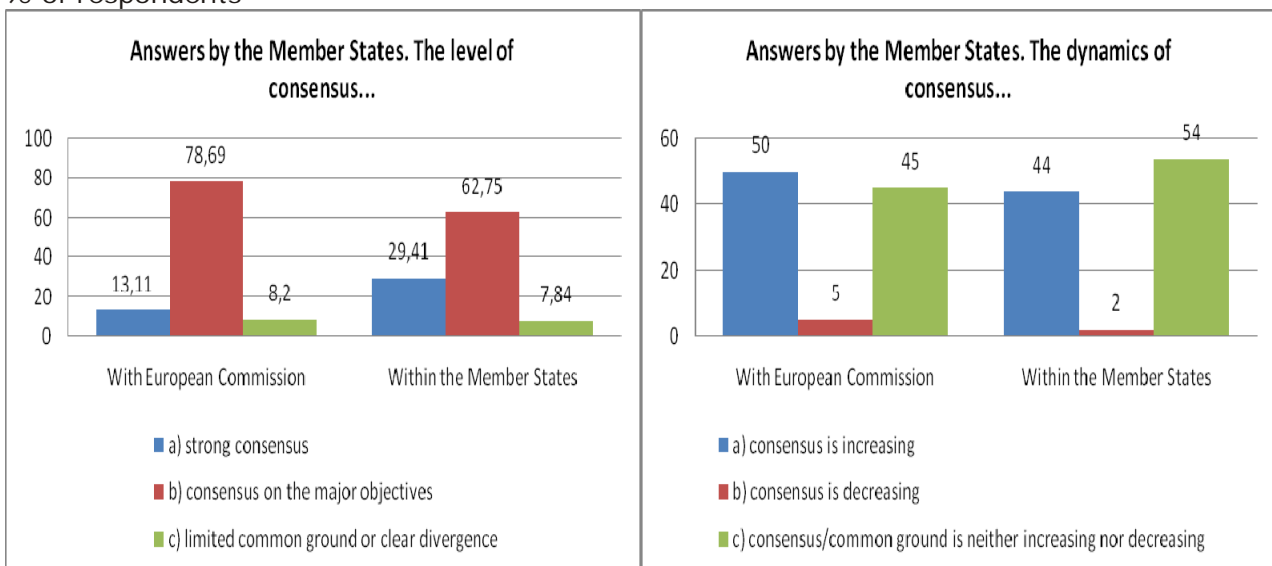


Source: Survey by PPMI

Very few respondents felt that there is limited common ground or clear divergences of opinion regarding EU policies and objectives either within their own organisation or with other actors. Interestingly, there was a tendency for the Commission officials to think that divergences of opinion are most likely between them and other EU level policy and decision makers (Figure 2a), while EU level networks felt that there is more limited common ground between them and other EU networks/ NGOs (Figure 4a).

Unsurprisingly, the most significant indication of strong and supportive consensus was found within the Commission (Figure 2a) and within the national authorities of the Member States (Figure 3a) themselves.

Figures 3a and 3b. The level and dynamics of the consensus according to the Member States, % of respondents



Source: Survey by PPMI

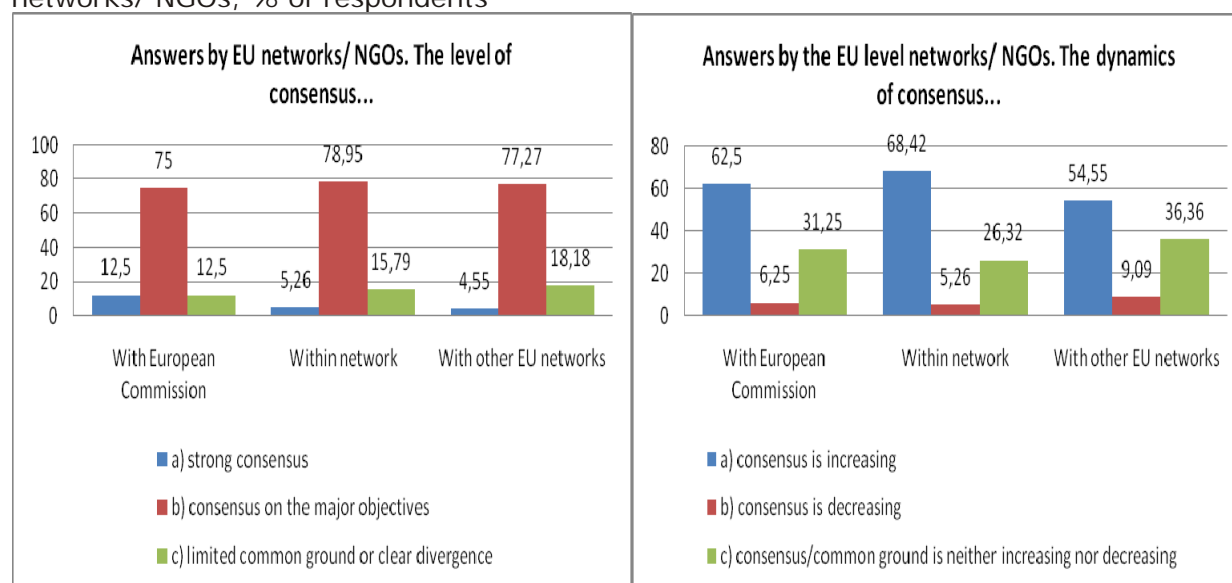
The majority of the actors think that the consensus/ common ground is neither increasing nor decreasing

The next step is the **assessment of the dynamics in the development of consensus (common ground)**. The majority (around half) of all the actors indicated that the consensus/ common ground with regard to EU policies and objectives was neither increasing nor decreasing (Figures 2b, 3b, 4b).

EU level networks stand out with their positive attitude towards to this aspect: the majority of EU networks note that consensus is increasing with the Commission, within the networks and with other EU networks (Figure 4b). A significant share of other actors also saw an increase of consensus (e.g. between Commission and the Member States, Commission and EU level NGOs/ networks (Figure 2b).

Interestingly, a significant number (almost one-third) of Commission respondents claim that the consensus with other EU institutions is decreasing (Figure 2b).

Figures 4a and 4b. The level and dynamics of the consensus according to the key EU networks/ NGOs, % of respondents



Source: Survey by PPMI

2.3.2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels

The next performance measure addresses the issue of **representativeness** – i.e. do those involved in PROGRESS-relevant partnerships are in the position to make a difference at the EU or national levels. In order to make a more detailed assessment of the baseline, four different but interlinked perspectives were analysed:

- the general public's perception* of the EU's ability to involve the key actors (trade unions, employers);
- self-assessment by the key EU networks, combined with the opinion of the Commission of *whether the existing EU networks/ NGOs have sufficient capacity to exercise influence* (i.e., their organisational and administrative capacity is sufficient);

- c) then similar approach is used to establish whether *the networks/ NGOs active at the EU level actually are in the position to make a difference to policies at the EU or national levels* (i.e., whether they actually employ their capacity to influence and whether they do that successfully); and
- d) the final issue analysed is *whether all key non-governmental actors are actually involved in the policy making process at EU level*.

The general public thinks that the EU plays a positive role in promoting the dialogue between employers and trade unions. This may be considered a proxy for EU's ability to involve the key actors

To analyse the first perspective in more detail, Eurobarometer provides the necessary data. Here the basic assumption is that the employers and trade unions are among the key actors and that engaging them through dialogue is a major aspect of their involvement. Table 15 shows that in 2006 the **general public had a positive opinion of the EU's impact in promoting such dialogue**.

Table 15. Public perception on the EU's role in promoting dialogue between employers and trade unions

Policy area	The question	Responses
All PROGRESS areas; general employment and social affairs	To what extent you think the European Union has a positive or negative impact on promoting dialogue between employers and trade unions	Positive: 64% Negative: 18%

Source: Special Eurobarometer (2006): European Employment and Social Policy

The PPMI survey showed that both the Commission and EU-wide networks think that the EU-wide networks have sufficient capacity to exercise influence...

As to the second perspective, the survey conducted by PPMI in June – July 2008 provides further evidence in relation to the identification and the means and extent of involvement of the key actors. This survey addressed the question **whether the EU networks/ NGOs have sufficient capacity to exercise influence** (see Table 16). It showed that, in the opinion of the Commission officials, the EU networks/ NGOs taking part in the PROGRESS-related partnerships are (in descending order of positive appreciation):

- adequately organised;
- demonstrate transparency in their activities;
- have adequate advocacy skills;
- representative.

...however this capacity may be somewhat limited due to the lack of resources

Only the level of resources was assessed as average. Meanwhile the opinion of the EU level networks/ NGOs differs from that of the Commission in some important respects. They give a broadly similar assessment as the Commission with regard to the adequacy of organisation and advocacy skills; however, in the view of networks/ NGOs they are much more representative and transparent in their activities than admitted by the Commission (Table 16 below facilitates such comparisons as the dominant response is put in bold for each type of respondents).

Table 16. To what extent do you believe that EU-wide networks/NGOs active in your respective policy area...

Assessment criteria	Respondent type	Percent of answers					
		Please scale from 1-5 where 1 indicates 'disagree strongly' and 5 'agree strongly' (N/A - not applicable)					
		1	2	3	4	5	N/A
...are adequately organised	- Commission's opinion	0	0	21,43	50	21,43	7,14
	- Assessment by EU networks	4,55	4,55	22,73	45,45	22,73	
...are representative	- Commission's opinion	0	0	35,71	35,71	21,43	7,14
	- Assessment by EU networks	9,09	0	0	27,27	63,64	
...are adequately resourced	- Commission's opinion	0	21,43	28,57	35,71	7,14	7,14
	- Assessment by EU networks	0	31,82	36,36	31,82	0	
...have adequate advocacy skills	- Commission's opinion	0	7,14	28,57	42,86	14,29	7,14
	- Assessment by EU networks	4,55	0	27,27	54,55	13,64	
...demonstrate transparency in their activities	- Commission's opinion	0	0	28,57	50	14,29	7,14
	- Assessment by EU networks	9,09	0	4,55	18,18	68,18	

Answers by the Commission N=16 (out of 36)

Self-assessment by EU level networks/ NGOs N=22 (out of 41)

The survey also showed that when it comes to policy influence of EU networks, it quite substantial but stronger at the EU than national level

The third perspective concerns the extent to which **the networks/ NGOs active at the EU level actually are in the position to make a difference** to policies at the EU or national levels. The survey results indicate that both the Commission officials as well as the representatives of EU level networks think that the networks have stronger influence at the EU than at national level (see Table 17 below, which facilitates analysis as the dominant response is put in bold for each type of respondents).

Furthermore, the networks themselves feel that such influence is higher than acknowledged by the Commission (80% of answers with rates 4 or 5, compared to Commission's 60%). Meanwhile, the Commission expects that the networks have a rather high influence at the Member States level, yet the networks are more sceptical regarding this.

Table 17. To what extent do you agree with the statement that EU-wide networks/NGOs are in a strong position to increase awareness or exert pressure on policy makers in your respective policy area at...

Policy level	Respondent type	Percent of answers					
		Please scale from 1-5 where 1 indicates 'no influence on increasing awareness and pressure' and 5 'very strong influence in increasing awareness and pressure' (N/A - not applicable)					
		1	2	3	4	5	N/A
...EU level	- Commission's opinion	0	0	33,33	33,33	26,67	6,67
	- Assessment by EU networks	0	4,55	13,64	40,91	40,91	0
...National level	- Commission's opinion	0	13,33	26,67	53,33	0	6,67
	- Assessment by EU networks	4,55	22,73	27,27	40,91	0	4,55

Answers by the Commission N=16 (out of 36)

Self-assessment by EU level networks/ NGOs N=22 (out of 41)

However the representatives of the Member States think that quite a number of important non-governmental actors are involved but not all of them

The final perspective addressed is **whether all important non-governmental actors are actively involved** in the policy making process at EU level. Here the survey drew upon the assessment of the Member State representatives, based on the assumption that they were familiar with the most important actors at national level and may therefore provide a reasonable estimate as to whether these actors are sufficiently active in EU policy making (Table 18). According to the survey, representatives from the Member States thought that quite a number of important non-governmental actors were involved but not all of them.

Table 18. Would you say that all the most important non-governmental actors in your respective policy area are actively involved in the policy making process at the EU level?

Percent of answers				
Please scale from 1-5 where 1 indicates 'no, none of the most important non-governmental actors are actively involved' and 5 'yes, all the most important non-governmental actors are actively involved'				
1	2	3	4	5
0	12,70	42,86	23,81	20,63

Answers by the Member States (representatives of EMCO, SPC, High level groups on disability, gender mainstreaming, ACSH 2008 Governmental Group) (N=77, out of 341)

There is some notable variation of responses to this question according to the policy area. Respondents working in the policy area of Gender equality were more sceptical regarding involvement of all the relevant non-governmental actors⁴⁸ than the respondents in the areas of Employment and Social protection and inclusion⁴⁹.

⁴⁸ Half of the respondents concluded that the involvement level is as low as "2" in the descending 5 points scale.

⁴⁹ More than half of the respondents concluded that the involvement level is "3" in the descending 5 points scale (namely, in the area of Employment – 57.1%, and Social protection and inclusion - 60%).

2.3.3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas

The third performance measure deals with the actual **achievements** of partnerships in PROGRESS policy areas. It assesses to what extent the partnerships delivered concrete results in improving in EU policy making and implementation. The baseline for this performance measure is established from a number of different perspectives:

- a) *Assessment of achievements of Commission's preceding programmes aimed, among other objectives, to strengthen partnerships by providing support to operational costs of EU-level networks. This aspect is of importance for the baseline as PROGRESS also supports operational costs of networks in order to foster partnership building. Thus, in order to monitor the results of PROGRESS, it is important to know, how successful previous programmes were in this respect;*
- b) *Assessment of effectiveness of the actual partnership process. This, in turn may be measured in terms of:*
 - *assessment of effectiveness of OMC, which by definition should be based on partnerships of all the relevant stakeholders;*
 - *assessment of partnership between a specific group of stakeholders (1): the Commission and EU-wide networks/ NGOs;*
 - *assessment of partnership between a specific group of stakeholders (2): the Commission and Member States.*

Ex-post evaluations of PROGRESS-preceding programmes showed, that these programmes contributed to effectiveness of partnerships in improving the organisational capacities of networks and encouraging their impact

Ex-post evaluations of various PROGRESS-preceding programmes claim that these programmes contributed to effectiveness of partnerships by improving the organisational capacities of networks and encouraging their impact. Of particular relevance is the information on the effectiveness of Commission contribution to the **operational costs** of the pan-European networks. Table 19 provides a summary of the major findings of the evaluation reports.

The 2005 evaluation of the Community action programme to combat discrimination indicated that "the funding of European NGO networks <...> has helped their members to achieve ongoing interaction (discussions, comparison of national situations etc), harmonizing and increasing their knowledge of grounds for discrimination"⁵⁰.

The Report emphasised that direct support to umbrella networks contributed first and foremost to strengthening their organisational capacity, i.e. it made possible "to raise the awareness of member organisations to the legal approach adopted by the Commission", "to represent members in European institutions, to support lobbying actions at national level and to coordinate certain projects and initiatives whilst bringing a European dimension to them"⁵¹. However, the evaluation also revealed some important issues, which tend to hamper the

⁵⁰ Ernst and Young (2005): *Evaluation of the Community Action Programme to Combat Discrimination*. Executive Summary. p. 11. Available at http://ec.europa.eu/employment_social/fundamental_rights/pdf/eval/eval05_en.pdf

⁵¹ Ibid.

effectiveness of partnerships with other EU actors. It drew the attention to the need “to exercise more control over the working programmes of these networks”, “to increase their professionalization”, “to evaluate and measure the performance of small networks”⁵². Moreover, the report found that the visibility of the Programme with members of the networks was very poor⁵³.

However some limitations of funding networks were also apparent due to the limited involvement of national actors, the lack of visibility, and the insufficient dissemination of results

The 2006 evaluation of the EU Programme to promote Member State co-operation to combat social exclusion and poverty stated that due to the programme the capacity of networks was improved through “learning”, “exchanging and sharing experiences and knowledge”, “creating understanding about specific areas”, “capacity building”⁵⁴. According to the evaluation, the networks were very successful in mobilising actors in the domain of social inclusion. “The European Networks have a role to play as a facilitator in the OMC process; the networks may be conceived as resources and bodies of expertise”⁵⁵. The Report claims that „networks are considered as important players in policy making with the major channel for influence being the involvement of networks in preparation of the National Action Plans on inclusion”⁵⁶. However, „successes are not always passed on to members”; indeed „a weak link is the involvement of local actors and appropriate dissemination of information to this level”⁵⁷. Other constraints relate to the “lack of resources for the functioning of national networks, language issues and to keep the network alive amongst the members”⁵⁸.

Table 19. The contribution of support provided to networks in improving conditions for a more effective partnership. A summary of the major findings of the evaluation reports

Community action programme	Improved capacity to provide policy inputs at EU level	Policy impact	Involvement of members of networks
Community action programme to combat discrimination (2002-2006)	Improved awareness of members; better representation, lobbying and coordination skills. Yet professionalism and evaluation of performance problematic	May be presumed through improved capacity but difficult to assess due to lack of monitoring	Visibility of the Programme with the members was very poor
Community action programme to encourage cooperation between Member States to combat	Improved capacity through learning, exchange of good practices, better understanding of specific areas	Positive role in the OMC process, contribution through inputs to the NAPs	Successes not always passed on to the members; weak involvement of local actors; insufficient

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Tavistock Institute (2006): Final Synthesis. Main Report of the Evaluation of the EU Programme to promote Member State co-operation to combat social exclusion and poverty, p. 27. Available at [http://ec.europa.eu/employment_social/evaluation/docs/eval_soc_exclusion_poverty_summary06_en.pdf]

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

social exclusion and poverty (2002-2006)			dissemination; lack of resources
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Source: compiled by the PPMI

Turning to the second perspective of the baseline for effectiveness of partnerships, three aspects are discussed in more detail:

- Effectiveness of the OMC, as a process, which should be based on the partnership between all the relevant stakeholders;
- Effectiveness of partnership between specific stakeholder groups (1): the Commission and EU-wide networks/ NGOs;
- Effectiveness of partnership between specific stakeholder groups (2): the Commission and the Member States.

Assessment of independent experts also shows that partnership practices at the EU level were not promptly translated to the national level

The assessment by independent experts of the process of the OMC support the previous conclusion that success in partnerships at the EU level was not quite translated to the national level. **The 2008 Report of peer review in social protection and social inclusion** claim that the perceptions of actors involved in the OMC processes in the area of Social inclusion “vary widely across countries. However, overall it would seem that the process is only perceived as being really effective in a minority of Member States”⁵⁹. The report also noticed that, generally, officials, decision-makers and politicians involved in the process are more positive than NGOs”. This is because the former tend to see the OMC processes first and foremost as “useful means of promoting the exchange of learning and good practice”. Meanwhile, for the latter “the whole process [is seen] more as a key tool in making a policy impact”⁶⁰.

The survey conducted by PPMI gives a somewhat more positive conclusion with regard to the effectiveness of partnerships. This conclusion is based on the assessment of those who take a direct part in partnerships, i.e. (1) the Commission and the EU-wide networks/ NGOs and (2) the Commission and Member States.

⁵⁹ Frazer, H. and Marlier, E. (2008): Building a Stronger EU Inclusion Process: Analysis and Recommendations of the EU Network of Independent National Experts on Social Inclusion. *Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion*, p. 3. Available at http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/experts_reports/synthesis1_2008_en.pdf

⁶⁰ Ibid., p. 3-4. Importantly, these conclusions concern primarily the two PROGRESS policy areas which are co-ordinated through the OMC: employment and social protection and inclusion.

However those directly involved in partnerships at the EU level give a more positive evaluation of the effectiveness of partnerships

All the EU-wide networks which took part in the survey stated that they contributed to the EU policy making, especially through providing information on needs and expectations of target groups

The **first type of partnership** is of utmost importance in providing the Commission with adequate information on the application and implementation of EU law and policies. All the networks/ NGOs which took part in the survey indicated that they contributed to the policy making process at EU level in their respective policy area (by issuing opinions, analyses, etc.) (22 respondents representing 19 networks). Almost all the respondents noted that their contribution was the most substantial in providing information on conditions, needs and expectations of relevant target groups their respective policy area. About half of the respondents mentioned that they contributed to the application of EU law in the Member States and to the implementation of policies falling under the Open Method of Coordination. Some of the EU networks/ NGOs also stressed the importance of awareness-raising activities they are engaged in (open question).

Table 20. Your contribution was the most substantial on...

Aspect of contribution	Percent of answers (multiple choice was possible)
Application of EU law in Member States	45
Implementation of policies falling under the open method of coordination	36
Conditions, needs and expectations of relevant target groups in your respective policy area	91

Answers by EU level networks/ NGOs N=22 (out of 41)

These answers are broadly in line with the opinion of the Commission (Table 20). The Commission officials stressed the important role networks/ NGOs play in informing on the conditions, needs and expectations of target groups. Furthermore, these networks/ NGOs also play a substantial role in informing on application of EU law in the Member States (the areas of working conditions; anti-discrimination and diversity, gender equality). Meanwhile their role in providing information on implementation of policies falling under OMC (employment, social inclusion) is somewhat more limited.

The Commission officials largely agree with the opinion of the EU networks



Table 20. To what extent do you agree that EU-wide networks/NGOs in your respective policy area have been a source of useful and appropriate information on the following

Aspect of contribution	Percent of answers				
	Please scale from 1-5 where 1 indicates 'not successful at all' and 5 'very successful'				
	1	2	3	4	5
Application of EU law in Member States	0	13,33	20	46,67	20
Implementation of policies falling under the open method of coordination	8,33	0	58,33	25	8,33
Conditions, needs and expectations of relevant target groups in your respective policy area	0	0	33,33	46,67	20

Answers by the Commission N=16 (out of 36)

Considering the partnership between the Commission and the Member States, both actor groups agree that such partnership was the most successful in encouraging the exchange of good practice and in providing relevant information and statistics

However, national representatives are more sceptical with regard to the role of the Commission as a broker facilitating agreement between the Member States

The second type of partnership is **between the Commission and the Member States**. This type of partnership is especially vital in co-ordinating policies based on the OMC (employment, social inclusion). The survey assessed the effectiveness of partnership in relation to a number of the most important aspects of the OMC (Table 21 below facilitates the analysis as the dominant response is put in bold for each type of respondents).

In the opinion of both the Commission and the Member States, the partnership was most effective in encouraging the exchange of good practice between the Member States (however, the assessment made by the Commission was more favourable than that of the Member States). The Commission officials and Member States' representatives were broadly in agreement with regard to the role of the Commission in providing relevant information, statistics and analysis. On the other hand, the opinion of the Commission and Member States differed in assessing the role of the Commission as a broker facilitating agreement between the Member States: while almost 70% of the Commission's respondents claim that the Commission was successful or very successful in this respect, only 45% of Member State representatives shared the opinion.

Table 21. The effectiveness of partnership between the Commission and a relevant policy committee/high level group (EMCO, SPC, High Level Group on Disability, High Level Group on Gender Equality)

Aspect of effectiveness	Respondent type	Percent of answers					
		Please scale from 1-5 where 1 indicates 'not successful at all' and 5 'very successful' (N/A - not applicable)					
		1	2	3	4	5	N/A
To what extent the Commission was effective as a broker facilitating agreement between the Member States on common policy principles, objectives and	Commission	7,69	0	15,38	53,85	15,38	7,69
	Member States	0	11,11	34,92	34,92	12,70	6,35

indicators							
To what extent the Commission provided relevant information , statistics and analysis which was used in consensus-building and decision-making	Commission	7,69	0	23,08	46,15	15,38	7,69
	Member States	1,56	3,13	28,13	40,63	18,75	7,81
To what extent the Commission was successful in encouraging exchange of experience and good practice between Member States	Commission	0	7,69	7,69	61,54	15,38	7,69
	Member States	0	9,52	15,87	44,44	25,40	4,76

Answers by the Commission N=16 (out of 36)

Answers by Member States (representatives of EMCO, SPC, High level groups on disability, gender mainstreaming, ACSH 2008 Governmental Group) (N=77, out of 341)

2.4. Baseline summary

Performance measures	Baseline summary
Intermediate Outcome 1: Compliance in Member States with EU law related to PROGRESS areas	
<p>1. Transposition rate of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States</p>	<p>Directives must be transposed in the form of binding national legislation, which fulfils the requirements of legal security and clarity, and establishes an actionable legal position for individuals. Non-transposition therefore refers to failure by Member States to correctly notify to the Commission the transposition of EU law.</p> <p>The overall transposition rate across the relevant PROGRESS policy areas is only slightly worse than the Internal Market overall average, and is improving. The non-transposition mainly concerns the latest EU Directives. Cases of non-transposition seem to be fairly equally dispersed among new and old, larger and smaller Member States.</p> <p>The overall fragmentation factor of 15.9% (the Internal Market overall average – 8%) means that nearly one in six Directives is not transposed in all Member States, that is, they do not achieve their full effect. There were 15 Member States which did not transpose at least one Directive applicable to them in the PROGRESS policy area.</p> <p>The lowest transposition rate and the highest fragmentation factor are in the policy area of <u>Gender equality</u>, while the situation in two other areas (<u>Working conditions</u> and <u>Anti-discrimination</u>) is substantially better.</p>
<p>2. Effectiveness of application of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States</p>	<p>Even if EU law has been transposed into national legislation, this does not necessarily mean that it is being applied correctly or effectively. Non-conformity infringements are initiated when the transposition is presumed not to be in conformity with the Directive it transposes or cases where provisions in EU law (contained in both the EC Treaty and in Directives, but also regulations, decisions) are presumed to have been incorrectly applied. There were 159 non-conformity infringement proceedings initiated by the Commission in the relevant PROGRESS policy areas during 2006 and 2007, 119 of which were still pending at the end of it. The Commission was most active in the area of <u>Working conditions</u>, which was also characterised by the relatively swift reactions from the Member States to address non-conformity (38% cases closed). At the opposite end of the spectrum, in the area of <u>Gender equality</u>, there were very few cases resolved. The estimated average duration of resolving the above indicated cases is largely the same among old and new Member States.</p> <p>What concerns the activity of national courts, which retain jurisdiction to review the implementation of EU law for which the authorities of the Member States are essentially responsible and are thus by their nature guarantors of EU law: in 2006-2007 there were 63 referrals for preliminary ruling lodged at the ECJ (51 related to <u>Working conditions</u>, 19 – <u>Anti-discrimination</u> and 8 – <u>Gender equality</u>). Importantly, they came exclusively from the EU 15 (in total, 13 Member States have lodged at least one referral), while none of them originated from the new Member States. Similarly, similar litigation/dispute settlement activities in <u>Gender equality</u> area are reported to be much more active in older Member States than in the new ones (it should be noted however that intensity of litigation/dispute settlement activities also depends on litigation culture in a given Member State, whereby in some of them preference may be given to resolving disputes in less conflictual manner).</p> <p>Finally, public opinion and peer pressure are important means of influencing the effectiveness of the application of EU law. As far as the policy areas of <u>Anti-discrimination</u> and <u>Gender equality</u> are concerned, average levels of awareness about the existence of anti-discrimination laws are quite low in the EU. In 2006 disability was the only type of discrimination which more than half of the European public knew was prohibited by law when hiring new employees (51%). This was followed by gender (40%), race or ethnic origin (36%), religion or belief (35 %), age (31%) and sexual orientation (30%). Again, awareness levels about legal protection from discrimination for individuals varied greatly between the former EU15 Member States (higher awareness) and the New Member States (lower awareness).</p>

Performance measures	Baseline summary
Intermediate Outcome 2: Shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of EU objectives related to PROGRESS policy areas	
<p>1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas</p>	<p>A shared understanding and ownership of EU objectives and policies among stakeholders at various levels of the EU policy making enables the Member States to pursue a co-ordinated policy direction and to achieve common policy objectives. The notion of shared understanding does not imply a convergence of opinions towards any single model. Rather, it means that all the actors involved in the process share their practices and discuss their achievements. In the process they are able to appreciate both the importance of national contexts (and thus the wide diversity of measures used to pursue state policies) as well as the common challenges. Ideally, based on such a shared understanding, common objectives are developed and therefore owned by actors at various levels.</p> <p>This performance measure relates to attitudes, that is, perceptions of decision-makers, key stakeholders and general public. The attitudes of the general public with regard to the EU role in PROGRESS policy areas is generally very positive. No direct correlation was found between these attitudes and general attitudes of EU citizens towards the EU. EU citizens are very positive with regard to EU's role in promoting: <u>Gender equality</u> and <u>Anti-discrimination</u> - in more than half Member States; <u>Social protection and inclusion</u> – one third of MS; <u>Employment and Working conditions</u> – one quarter of MS.</p> <p>Even though the major stakeholders have largely alike attitudes with regard to the main challenges faced by the EU countries, the penetration level of the EU's objectives into the wider socio-political circles in the Member States is reported to be somewhat limited, both in the case of <u>Employment</u> and <u>Social inclusion and protection</u>. That is, many concepts are still familiar to a rather narrow circle of policy officials and have not "reached downwards" to national Parliaments, regional decision makers, important social partners and representatives of civil society; similarly, when it comes to a more detailed understanding as to how the EU makes a difference to national policies in these areas, the wider circles are rather unaware.</p>
<p>2. Extent to which national policy discourses or priorities reflect EU objectives</p>	<p>This performance measure focuses on national discourses and priorities, that is, the policy choices and priorities as defined in the national strategic and other official documents. First, the PPMI analysis of recommendations put forwards by the Commission on the NRPs revealed that there were 7 Member States (26%) where the Commission (and later on – the Council in its Country-Specific Integrated Recommendations) did not make any recommendations for substantial improvement in the field of Member States' employment policies. This is a proxy for how well national policy priorities in the field of <u>Employment</u> reflect EU objectives. To assess the dynamics of this process, one can refer to the Companion Document of the Strategic Report on the renewed Lisbon strategy, where it is emphasised explicitly, that in certain areas the policy re-orientation is visible and initiatives at the EU level do make a difference in this process (e.g., change of national policies towards integrating such principles as adaptability and flexicurity), while in some other areas national policies do not quite reflect the guidance stemming from the EU objectives (e.g., policies towards labour market and social reforms).</p> <p>Secondly, both in the case of <u>Employment</u> and <u>Social inclusion and protection</u>, the next proxy indicator is the interaction between the economic and labour market policies (National Reform Programmes, NRPs) on the one hand and social cohesion policies (National Strategy Reports on Social Inclusion and Social Protection, NSR SPSI) on the other. The importance of such inter-linkages is emphasised in the Presidency conclusions of European Councils and Guidelines for preparing both the NRPs and NSRs. PPMI analysis revealed that</p> <ul style="list-style-type: none"> - in 2006 NRP Implementation Reports, only 10 Member States included social inclusion objectives (including gender equality) among their national priorities or referred extensively to them; while the remainder briefly cross-referenced the NSR SPSI (9 MS), referred exclusively to labour market inclusion (4 MS), or omitted any mention of social inclusion altogether (4 MS).

Performance measures	Baseline summary
	<p>- in the Commission's opinion (Joint Report on Social Protection and Social Inclusion. Country Profiles, 2007), 10 Member States demonstrated strong interaction between the NRPs and NSRs, 13 MS - sufficient interaction, while 4 Member States showed limited interaction.</p> <p>Similarly, in 2007 the peer review in SPSI concluded that in most Member States 'explicit' linkages between the NRPs and subsequent implementation reports) and SPSI policies remain very limited or non-existent, although some 'implicit' linkages can be identified in a significant number of countries.</p> <p>Thirdly, impact of OMC on policy process may be used as a proxy to measure complementarity between national discourses and EU objectives. The independent experts report that the <u>Social inclusion</u> OMC can be said to have become an important part of the policy making process in not more than a quarter of countries, although OMC did contribute to Member States developing a common understanding of concepts and to identifying and agreeing on key priorities (although in some countries more than the others).</p> <p>Finally, gender mainstreaming is another useful indicator for dialogue between national discourses and EUs objectives. The independent experts report that gender equality and the gender dimension of policies are not given sufficient attention by most Member States. The PPMI analysis of country profiles developed by the Commission for the 2007 Joint Report showed that, in the Commission's opinion, 7 Member States demonstrated strong gender mainstreaming into social inclusion policies, 8 MS provided for sufficient mainstreaming, in 9 MS the extent of mainstreaming was limited; the Commission did not comment on gender mainstreaming in the case of 3 MS.</p>
<p>Intermediate Outcome 3: Effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas</p>	
<p>1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies</p>	<p>Partnerships between the EU and national level policy-makers and pan-European stakeholders is an important pre-requisite for agreeing and implementing EU objectives across the PROGRESS policy areas. Due to limited availability of data the baseline essentially analyses policy-makers active at the EU level, while pan-European stakeholders are understood as the key EU networks supported by the Commission. The assessment is therefore primarily based on a dedicated survey on partnership conducted in June – July 2008.</p> <p>As the survey results indicate, both policy/decision-makers and key stakeholders tend to agree that there is a large degree of consensus/ common ground on the major policy objectives among them, yet some divergence in approach when it comes to more specific policies and their implementation. Interestingly, both the Commission's officials and representatives of the Member States tend to claim that consensus between them (i.e., between EC and a MS) is higher than among Member States themselves or among the EC and other EU level decision makers. There is also a rather common perception that the level of consensus is not changing (i.e., it is neither increasing, nor decreasing), with the exception of the key EU networks, which note that consensus with the Commission is increasing (the perception is not shared by the EC officials).</p> <p>Interestingly, there was a tendency for the Commission officials to think that divergences of opinion are most likely between them and other EU level policy and decision makers, while EU level networks felt that there is more limited common ground between them and other EU networks/ NGOs. Additionally, almost one-third of Commission respondents claim that the consensus with other EU institutions is decreasing.</p>
<p>2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels</p>	<p>This performance measure addresses the issue of representativeness, i.e. do those involved in PROGRESS-relevant partnerships are in the position to make a difference at the EU or national levels.</p> <p>In 2006, the general public's perception of the EU's ability to involve the key actors (trade unions, employers) through dialogue was positive.</p> <p>Furthermore, as the survey results indicate, the key EU networks/NGOs, which are presently supported by the Commission, have sufficient capacity to exercise influence on the policy-making process at the EU level, albeit this capacity may be somewhat limited due to the lack of resources (which is seen as a more pressing issue by the EU networks themselves than by the</p>

Performance measures	Baseline summary
	<p>Commission). Furthermore, there is a shared view among the Commission and the key EU networks, that when it comes to the key EU networks'/NGOs' actually making a difference to policy process, the influence is quite substantial, yet they are significantly more successful at the EU than at national level.</p> <p>The final aspect of baseline concerns the issue of whether all important non-governmental actors are actively involved in policy process at EU level: here the representatives from the Member States indicated that quite a number of important non-governmental actors were involved but definitely not all of them. There is some notable variation of responses according to the policy area: respondents working in policy area of <u>Gender equality</u> were substantially more sceptical regarding involvement of all the relevant actors.</p>
<p>3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas</p>	<p>The third performance measure deals with the actual achievements of partnerships in PROGRESS policy areas. It assesses to what extent the partnerships delivered concrete results in improving in EU policy making and implementation. The assessment concerns two perspectives.</p> <p>First, achievements of Commission's preceding programmes aimed, among other objectives, to strengthen partnerships by providing support to operational costs are assessed (as PROGRESS also supports operational costs of networks in order to foster partnership building). Ex-post evaluations of various PROGRESS-preceding programmes indicate that these programmes contributed to effectiveness of partnerships in improving the organisational capacities of networks and encouraging their impact. However, some limitations of networking were also apparent due to the limited involvement of national actors, the lack of visibility, and the insufficient dissemination of results.</p> <p>Secondly, effectiveness of the actual partnership process is assessed, including assessment of effectiveness of OMC, which by definition should be based on partnerships of all the relevant stakeholders, and of partnership between a specific group of stakeholders (1): the Commission and EU-wide networks/NGOs; (2): the Commission and Member States.</p> <p>The assessment by independent experts of the process of the OMC support the assessment that success in partnerships at the EU level was not quite translated to the national level. Those directly involved in partnerships at the EU level give a more positive evaluation of the effectiveness of partnerships. As to the partnership between the Commission and the key EU networks/NGOs, the EU-wide networks appear to rather actively contribute to the EU policy making, especially through providing information on needs and expectations of target groups as well as application of the EU law.</p> <p>The partnership between the Commission and the Member States is especially vital in co-ordinating policies using the OMCs. Here the partnership approach is seen as most effective in encouraging the exchange of good practice between the Member States and providing relevant information, statistics and analysis which was used in consensus-building and decision-making. The assessment the Commission's role as a broker facilitating agreement between the Member States is also rather positive but less uniform, with the Commission's officials seeing it more successful than the representatives of the Member States.</p>

ANNEX 1: SUMMARY OF THE MONITORING FRAMEWORK


OUTPUT TYPE	PERFORMANCE MEASURES	Main data source:		
		Project reports (beneficiary/contractor)	Survey of participants (beneficiary/contractor)	Checklist for quality assessment (EC)
	Regularity of data collection:	<i>Continuous</i>	<i>Continuous</i>	<i>Continuous</i>
Output 1: relevant training and mutual learning	1. number of individuals who receive training			
	2. number of peer reviews or other mutual learning exercises			
	3. satisfaction of participants with training/peer reviews received			
	4. extent to which training/peer reviews target qualified and relevant EU and national actors			
Output 2: monitoring/assessment reports	1. number of monitoring and assessment reports			
	2. timely, accurate and complete production of reports in relation to plan			also assessed through surveys at outcome level
	3. satisfaction of users with reports			
Output 3: statistical tools, methods, indicators	1. number of tools, methods, indicators developed			
	2. satisfaction of users with tools, methods, indicators which are capable of withstanding detailed scrutiny and rallying EU-wide support			also assessed through surveys at outcome level
Output 4: identification and dissemination of good practices	1. number of publications on good practices; number of thematic seminars and web-based publications			
	2. readership of publications (incl. extent to which publications reach out to relevant EU and national actors); attendance at thematic seminars (incl. extent to which seminars are attended by relevant EU and national actors), downloads of web-based publications			also assessed through surveys at outcome level
	3. relevance of good practices (incl. extent to which they will be acted upon and used) and range of good practices identified			also assessed through surveys at outcome level
	4. accessibility of good practices (incl. disability requirements and languages availability)			
Output 5: policy advice, research and analysis	1. number of policy advice, research and analysis			
	2. timely, clear and accurate policy advice, research and analysis			also assessed through surveys at outcome level
	3. satisfaction with policy advice, research and analysis			
Output 6: support to NGOs, and networks active in PROGRESS policy areas	1. volume of funding provided to NGOs, networks			
	2. satisfaction of NGOs, networks with their relationship with EU and national authorities			also assessed through surveys at outcome level
Output 7: information and communication activities, networking	1. volume of participation in events			
	2. satisfaction with events			
	3. number of visits to websites related to information and communications activities			

OUTCOME TYPE	PERFORMANCE MEASURES	Main data source:		
		Desk research (PPMI)	Surveys (PPMI)	Expert panels (EC/ PPMI)
		Regularity of data collection:		
		<i>Continuous</i>	<i>Once a year*</i>	<i>Once a year</i>
Immediate Outcome 1: effective information sharing/learning in EU and across Member States	1. greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding their rights/obligations in relation to PROGRESS policy areas	<i>Eurobarometer</i>		
	2. greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding EU objectives and policies in relation to PROGRESS policy areas			
	3. satisfaction of clients with information			
Immediate Outcome 2: evidence-based EU policies and legislation in PROGRESS areas	1. EU policies and legislation are grounded in thorough analysis of situation and responsive to conditions, needs and expectations in Member States in PROGRESS areas in accord with Better regulation principles	<i>Impact assessment board findings</i>		
	2. extent to which PROGRESS-supported policy advice feed into the development and implementation of EU legislation and policies	<i>Impact assessment board findings</i>		
Immediate Outcome 3: better integration of cross-cutting issues (e.g. gender, poverty and non-discrimination) and greater consistency in EU policies and legislation	1. cross-cutting issues are addressed in PROGRESS policy sections	<i>Annual PROGRESS workplan</i>		
	2. EU policies and legislation display a common underlying logic of intervention in relation to PROGRESS issues			
	3. gender mainstreaming is systematically promoted in PROGRESS	<i>Review of key documents</i>		
	4. share of funding devoted to support or undertake cross-cutting issues	<i>Annual PROGRESS workplan</i>		
Immediate Outcome 4: greater capacity of national and pan-European networks	1. number of individuals served or reached by networks supported by PROGRESS	<i>Reports by networks</i>		
	2. extent to which advocacy skills of PROGRESS-supported networks have improved			
	3. satisfaction of EU and national authorities with the contribution of networks			
	4. extent to which PROGRESS-supported networks take a cross-cutting approach			
Immediate Outcome 5: high-quality and participatory policy debate at EU and national levels	1. extent to which principles of good governance (including minimum standards on consultation) are respected in policy debate			
	2. extent to which the outcomes of policy debates feed into the development of EU law and policy	<i>Impact assessment board findings</i>		

OUTCOME TYPE	PERFORMANCE MEASURES	Main data source:		
		Desk research (PPMI)	Surveys (PPMI)	Expert panels (EC/ PPMI)
		Regularity of data collection:		
		<i>Continuous</i>	<i>Once a year*</i>	<i>Once a year</i>
Intermediate Outcome 1: compliance in Member States with EU law related to PROGRESS areas	1. transposition rate of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States	<i>Reports on transposition rate/ infringement</i>		
	2. effectiveness of application of EU law on matters related to health and safety, labour law and working conditions and information and consultation of workers, non-discrimination and gender equality in the Member States	<i>Various policy reports</i>		
Intermediate Outcome 2: shared understanding and ownership of EU objectives	1. attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas	<i>Euro-barometer</i>		
	2. extent to which national policy discourses or priorities reflect EU objectives	<i>Review of NRPs</i>		
Intermediate Outcome 3: effective partnerships with national and pan-European stakeholders	1. existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies			
	2. identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels			
	3. effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas			

* - surveys by policy area (5) and networks (1) - once a year; ad hoc surveys - when needed



 **ANNEX 2: DETAILED INFORMATION ON THE DEDICATED SURVEY
ON PARTNERSHIP**

