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STUDY ON THE TRANSLATION OF ARTICLE 16 OF REGULATION (EC) N°1083/2006, ON THE PROMOTION OF GENDER EQUALITY, NON-DISCRIMINATION AND ACCESSIBILITY FOR DISABLED PERSONS, INTO COHESION POLICY PROGRAMMES 2007-2013 CO-FINANCED BY THE ERDF AND THE COHESION FUND

INCEPTION REPORT

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ABBREVIATIONS

CCI number – Operational Programme reference number in the Commission's data base

CF – Cohesion Fund

EC – European Commission

ERDF – European Regional Development Fund

ESF – European Social Fund

EU 10+2 (EU12) – The new EU Member States which acceded in 2004 (10) and 2007 (2)

EU15 – The 15 EU Member States prior to May 2004

MS – Member State

OMC – Open Method of Co-ordination

OP – Operational Programme

SF – Structural Fund

○ INTRODUCTION

This Inception Report was produced for the 'Study on the Translation of Article 16 of Regulation EC1083/2006, on the promotion of gender equality, non-discrimination and accessibility for disabled persons into Cohesion policy programmes 2007-2013 co-financed by the ERDF and the Cohesion Fund'. The contract to carry out this study was signed in December 2008. It is expected that the study will be completed in September 2009.

As stated in the Tender Specifications, the overall aim of the study is:

> To establish to what extent Article 16 of the General Regulation (EC) №1083/2006 is reflected in cohesion policy programmes 2007-2013 and to present some good practice examples

The Tender Specifications also indicated that four Tasks have to be carried out in order to complete the study:
1) Task 1: a literature review;
2) Task 2: a review of the translation of Article 16 into Cohesion policy programmes;
3) Task 3: case studies – good practice examples;
4) Task 4: conclusions and recommendations (including Self Assessment Guide, which can be used by programme authorities interested in reviewing their performance as regards Article 16).

In this Report:
a) **In Part 1** the results of Task 1 (the literature review) are presented. The Tender Specifications state that final literature review has to be provided at a later stage – in the Intermediate report. However, taking into account that the research questions have to be based on the literature review, this part of the study is provided in the current Report.
b) **In Part 2** the methodology for Tasks 2-4 is developed, based on the tender proposal and literature review.
c) **In Part 3**, the organisation of the work, team co-ordination, and quality control questions are addressed.

1. LITERATURE REVIEW

The literature review is the first Task of this study. As stated in the Tender Specifications:

> This task will consist of providing a literature review and developing research questions. This will involve reviewing and taking stock of existing literature on gender equality, non-discrimination and disability, not only in the context of the cohesion policy programmes, but more generally. The review should examine what approaches can be taken and which approaches have been taken in the EU. The literature review will help identify a number of research questions related to gender equality, non-discrimination and disability to be explored in the following tasks. The research questions should address the different stages of implementation.

The literature review is based on desk-research. The main sources used for analysis were the following:

- EU legal acts, official documents, Commission communications, Structural funds (SF) and Cohesion fund (CF) programming documents;
- reports and publications contracted and/or issued by the Commission;
- academic and other studies concerning the application of gender, non-discrimination and disability dimensions; especially in the investment-related public policies at EU and Member States level.

The literature review consists of 5 parts and addresses a number of important questions, derived from the Tender Specifications (see Table 1).

Table 1. The main issues and questions addressed in the literature review

Structural part of the literature review	Chapter	The main question
1. The background of the ERDF and the CF.	1.1	- What are the main types of intervention of the ERDF and Cohesion fund? - What effects do the interventions supported by ERDF and Cohesion fund may have on gender equality, non-discrimination and accessibility to disabled?
2. The provisions of Article 16 are reviewed in the context of two EU funds: European Regional Development Fund (ERDF) and the Cohesion fund.	1.2	- What are the challenges for integrating Article 16 into the interventions co-financed by the ERDF and the CF?

3. A comparison between the current (2007-2013) and previous (1994-1999, 2000-2006) programming periods is carried out regarding the promotion of gender equality, non-discrimination and accessibility for disabled persons into cohesion policy programmes co-financed by the EU.	1.3	- What is new and important in the way the promotion of gender equality, non-discrimination and accessibility for disabled persons is addressed in the current programming period?
4. The themes of promotion of gender equality, non-discrimination and accessibility for disabled persons are discussed in more detail.	1.4-1.6	- How are the questions of the promotion of gender equality, non-discrimination and accessibility for disabled persons addressed in the literature? - How did the promotion of gender equality, non-discrimination and accessibility for disabled persons come into EU legislation? - What approaches can be and have been taken to address the three dimensions?
5. Conclusions.	1.7	What research questions should be explored in conducting Tasks 2, 3 and 4?

1.1. European Regional Development Fund, Cohesion Fund and their types of intervention

Article 16 is applicable to European Social Fund (ESF), European Regional Development Fund (ERDF) (the two structural funds) and the Cohesion Fund (CF). The Regulation EC1083/2006 states that ESF, ERDF and the CF are to contribute to three objectives: (1) Convergence, (2) Regional Competitiveness and Employment and (3) European Territorial Cooperation. The ERDF covers all of these objectives, the ESF addresses two of them, while the CF only provides support to the Convergence objective.

The ERDF and Cohesion fund support to different *types of intervention* (see Table 2). In essence, the ERDF supports direct investments (aid) to enterprises (particularly, SMEs), services to enterprises (i.e., development of endogenous potential or indirect support) and various types of infrastructure investments. The Cohesion fund supports specifically investments into transport (trans-European networks) and environment (priorities assigned to the Community environmental protection policy). Under the various types of intervention the ERDF has a number of priorities for support, in different sectors (such as R&D support, financial engineering, information society, transport, etc.) (see Table 3).

It must be noted that the ERDF and Cohesion fund finance investments which usually do not directly target the themes of gender equality, non-discrimination and accessibility for disabled persons. Among the structural funds the ESF is more engaged in projects which tend to be aimed more explicitly towards making an impact in widening social cohesion, awareness of gender-issues

and improving accessibility for the disabled[1]. Predictably, the programmes financed by the ESF have more experience in taking into account the above-mentioned priorities as compared to programmes financed by other funds. One study shows that in many cases the obligation to integrate equal opportunities into programmes for infrastructure and economic development (usually supported by the ERDF and Cohesion fund) even used to be perceived as a burden by programme managers[2].

Table 2. The main features of Structural Funds and the Cohesion fund

Fund	ERDF	Cohesion Fund
Aim	To strengthen economic and social cohesion in the European Union by correcting imbalances between its regions.	To reduce the economic and social shortfall of Member States whose Gross National Income (GNI) per inhabitant is less than 90% of the Community average, to stabilise their economy.
Objectives	• Convergence; • Regional Competitiveness and Employment; • European Territorial Cooperation.	• Convergence
Types of intervention	• Productive investment (primarily – direct aid to SMEs' investments) • Development of endogenous potential (services to enterprises, development of financing instruments, networking and co-operations • Investment in infrastructure • Technical assistance	• Infrastructure investments in trans-European transport networks; • Investments in environmental infrastructure

Sources: Regulation on the European Regional Development Fund[3], Regulation on the Cohesion Fund[4]

Table 3. ERDF priorities for support (examples)

Type of intervention	Support priority
Productive investment (primarily – direct aid to SMEs' investments)	R&D • Aid to R&TD, in SMEs and to technology transfer ICT • Aid to SMEs to adopt and effectively use information and communication technologies (ICTs) or to exploit new ideas New product development • Introduction of new or improved products, processes and services onto the market by SMEs Sustainable development

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[1] Since its creation in 1957, the ESF has been an important policy instrument to support such policy priorities as gender equality, non-discrimination, and accessibility for disabled persons, whenever they appeared on the EU agenda.

[2] Rona Fitzgerald and Patricia Noble (1998). *Integrating equal opportunities into Objective 2 programmes*. Glasgow: University of Strathclyde, European Policies Research Centre, p. 26.

[3] Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999.

[4] Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund and repealing Regulation (EC) No 1164/94.

	• Aid to to promote sustainable production patterns Tourism and cultural services • Aid to improve the supply of tourism services and cultural services
Development of endogenous potential (services to enterprises, development of financing instruments, networking and co-operations	Networking • Improvement of links between SMEs, tertiary education institutions, research institutions and research and technology centres; • Development of business networks; public-private partnerships and clusters Services to businesses • Support for the provision of business and technology services; • Services to dopt and effectively use information and communication technologies (ICTs) or to exploit new ideas; Development of funding sources • Development of financial engineering instruments Cross-border cooperation • Legal and administrative cooperation; • Integration of cross-border labour markets; • Local employment initiatives; • Taining and social inclusion; • Sharing of human resources and facilities for R&TD; • Exchanges of experience concerning the identification, transfer and dissemination of best practice; • Studies, data collection, and the observation and analysis of development trends in the Community.
Investment in infrastructure	Information society infrastructure • Electronic communications infrastructure, local content, services and applications; • Improvement of secure access to and development • of on-line public services; • Access to networks by SMEs, the establishment of public Internet access points Environment infrastructure • Water supply, waste-water treatment; • Air quality and waste management; • Integrated pollution prevention and control; • Rehabilitation of the physical environment, promotion of biodiversity and nature protection. Tourism and cultural infrastructure • Promotion of natural assets • Protection and enhancement of natural heritage; • Protection, promotion and preservation of cultural heritage; • Development of cultural infrastructure Transport infrastructure • Improvement of trans-European networks and links to the TEN-T network; • Promoting clean and sustainable public transport; • Regional railway, hubs, airports and ports or multimodal platforms Energy investments • Improvements to trans-European networks to energy efficiency and renewable energy • Production and the development of efficient energy management systems Education investments • Vocational training and other infrastructure Investments in health and social infrastructure

	Joint use of infrastructures • In sectors such as health, culture, tourism and education

Sources: Regulation on the European Regional Development Fund, Regulation on the Cohesion Fund

Due to the specific objectives of the ERDF and the Cohesion Fund, it is sometimes assumed that their interventions usually have only an indirect impact on gender equality, non-discrimination or accessibility for disabled persons. Therefore, relatively few programmes funded by the ERDF and the Cohesion Fund support specific actions to promote any of the three dimensions[5]. However, the interventions of both the ERDF and CF may have a far reaching impact on various groups suffering discrimination; moreover disregarding their needs may even have a detrimental effect on their situation.

The effects of the funds' investment may be both direct and indirect for all types of intervention. **Direct aid for businesses** run by certain groups (for instance, women) may improve their situation directly. Supporting **business environment** (e.g. services to businesses run by entrepreneurs with immigrant background) may prove instrumental in ensuring access to finance for businesses of groups experiencing discrimination. If the requirements of accessibility are taken into account in **building infrastructure**, this may enable disabled persons to get access to services which were previously unavailable to them.

Indirect effects are apparent when the funds' interventions have consequential effects in addition to those intended directly. Such effects are the most apparent in **infrastructure development** projects. For example, women tend to use public transport more than men, thus, the expansion of the public transport may improve their opportunities in areas which were previously inaccessible. Usually the disadvantaged groups live in poorer districts, therefore urban rehabilitation programmes may have a positive impact on their living conditions (even if these programmes were not targeted at these groups directly). On the other hand, infrastructure development without a proper consideration of the interests of disadvantaged groups may increase their exclusion. Therefore a proper consultation is of utmost importance.

1.2. Integration of Article 16: ESF vs. ERDF and the Cohesion Fund

Article 16 of the Regulation EC1083/2006[6] (henceforward referred to as the General regulation) states the following:

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[5] *Gender Mainstreaming in the Use of Structural Funding* (2007), p. 27.
[6] Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999.

> **Equality between men and women and non-discrimination**
>
> The Member States and the Commission shall ensure that equality between men and women and the integration of the gender perspective is promoted during the various stages of implementation of the Funds.
> The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them. In particular, accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation.

Such wording of Article 16 has several implications, which are important for this study. *Firstly*, Article 16 stresses that the Member States and the Commission have shared responsibility for the integration of the gender perspective and prevention of any discrimination.

Secondly, in the case of gender equality two different concepts are used: (a) **promotion** of equality between men and women and (b) **prevention** of discrimination based on sex. Meanwhile, the clause of non-discrimination on the remaining grounds refers only to prevention. The notion of *promotion* requires a more pro-active (or "positive") action (e.g. specific initiatives to support businesses of women entrepreneurs). Meanwhile, *prevention* of discrimination means avoidance of direct or indirect discriminatory treatment (e.g. restricting access of some groups to funding or to benefits coming from the ERDF of Cohesion Fund). *Prevention* does not emphasise that specific initiatives have to be undertaken to tackle the discrimination issues.

Thirdly, the Article emphasises that equality between men and "*the integration of the gender perspective is promoted during the various stages of implementation*". This is usually interpreted as a general call for "gender mainstreaming"[7]. In essence, this term means that actions to promote gender equality are not restricted to specific measures to help women, but gender situation and effects of operations have to be assessed and taken into account during various stages of implementation[8]. The "various stages of implementation" are: programme design (including making strategic choices, definition of objectives and targets),

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[7] European Commission, (2007). *Information Note on the consequences of Article 16 Regulation (EC) No 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999.*
[8] Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions of 1 March 2006 - A Roadmap for equality between women and men 2006-2010 {SEC(2006) 275} (COM/2006/0092 final).

project selection, financial management, monitoring, evaluation, reporting and partnership.

Furthermore, Article 16 indicates that it is not only gender equality which has to be promoted during various stages of implementation. Also **access to funds** for discriminated groups has to be ensured during these stages. In fact, the precise meaning of the "access to funds" is not provided in any formal document. However, interestingly, it could be seen as somewhat enlarging the meaning of *prevention of discrimination* as defined above. *Preventing discrimination by improving the access* to funds could imply such proactive efforts as targeted information, consultation, publicity and other.

Next, Article 16 also singles out disability among other typical grounds for discrimination. It puts a strong emphasis on **accessibility for disabled persons** as a *criterion* for defining operations supported by the funds (also during the various stages of implementation). Accessibility for disabled persons is understood as "technical accessibility", which would enable disabled persons to take advantage of public infrastructure and services on equal terms as non-disabled persons[9]. The Community strategic guidelines on cohesion refer explicitly to two types of infrastructure where accessibility should be taken into account: transport and information society[10].

Finally, the explicit inclusion of the principle of gender equality and non-discrimination in the Council Regulation creates a **legal obligation** for MSs and the Commission to follow in the use of structural funds and to "take appropriate steps to prevent any discrimination". If a violation of Article 16 occurs, it hence must be treated as any other irregularity and may evoke sanctions as outlined in Articles 98 and 99 (financial corrections proportionate to the graveness of the violation).

However, Article 16 leaves space for discretion and interpretation. The Member States are obliged to take **appropriate steps** which mean that they should pursue the obligations steaming from Article 16 in accordance with the national law. Therefore a violation of Article 16 may be established, first and foremost, in the cases when the principles of gender equality, non-discrimination and accessibility to the disabled are integrated in the OPs in the way, which contradicts (or breaches) the national law. The national law concerning the three dimensions may vary strongly among MS and depend on their legal tradition, administrative culture and values in the society. Consequently, if a violation of Article 16 is established in one country, this does not necessarily mean that a similar practice (or absence of some practice) in another country would be also treated as violation.

Conceptually, one may assume that there are some minimal standards on how Article 16 should be integrated steaming from the principles established in EU Treaties and secondary sources of

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[9] European Commission, (2007). *Information Note on the Consequences of Article 16 Regulation (EC) No. 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999.*

[10] Council Decision of 6 October 2006 on Community Strategic Guidelines on Cohesion (2006/702/EC).

EU law. However, given that Article 16 is new, peculiar to 2007-2013 period and was not present in earlier programming periods, there is no legal practice, case law and thus – no clear-cut standards in this area. In any case, either the audit in the use of structural funds carried out by the MS, the Commission or the European Court of Auditors, would have to decide whether to qualify a certain fact (recorded in, for instance, the process of selection of projects or their implementation) as a violation of the provisions of Article 16.

The nature of violations can be individual or systemic. A situation of systemic irregularities arises if the principle is not given serious attention at all. For instance, new buildings financed by the ERDF turn out to have only nominal ramped approaches for disabled access that cannot be actually used. If the principle of accessibility for the disabled was not taken into account at the time of planning or construction of the buildings or their subsequent inspection, violations are likely to be endemic/widespread. In such a case the auditors would have the right to propose a flat rate reduction ranging from 5 to 100% of the EU's commitment to the appropriate OP, its priority or a particular part of the priority. Table 4 summarises the main provisions of Article 16 and their implications for this study.

Table 4. Article 16 and its implications for the study

The main provisions of Article 16	Implications for the study
Shared responsibility (between Commission and the Member states).	The Member States are to translate the provisions of Article 16 into their Cohesion policy programmes. The study is to check their experiences/ practices in this respect.
Promotion of equality between men and women as well as *prevention* of discrimination based on gender.	The study is to look for practices, which either actively promote gender equality or for provisions to avoid discrimination based on gender.
Various stages of implementation are to be taken into account in integrating the gender perspective.	The study will analyse if gender perspective was taken into account (through analysing gender situation and gender effects of operations) during the stages of programme design (including making strategic choices, definition of objectives and targets), project selection, financial management, monitoring, evaluation, reporting and partnership.
Discrimination is to be *prevented* during the various stages of implementation, and in *access to EU funds.*	The study will look for practices used by the Member States to avoid discrimination during the stages of programme design, project selection, financial management, monitoring, evaluation, reporting and partnership. Furthermore, it will also seek to identify provisions used for improving the access to funds.
Disability is singled out among other typical grounds for discrimination. The aspect of accessibility for disabled persons is emphasised.	The study will look for practices used for ensuring accessibility for disabled people.
The clause in Article 16 is obligatory, but appropriate steps are to be chosen.	Sanctions for non-compliance are possible. However the Member States have a substantial discretion to choose the actions in accordance to the national law. The study is aimed to reveal the variety of practices.

Source: PPMI

1.3. New possibilities in addressing gender equality, non-discrimination, accessibility for disabled persons during the 2007-2013 programming period

Compared to the current programming period (2007-2013), in the previous periods the provisions concerning non-discrimination and accessibility for disabled persons were more diffuse and less binding. The changes in the 2007-2013 General Regulation opened new possibilities in addressing these priorities along with gender equality. The very first important feature is that during the current programming period, the General Regulation contains an article (Article 16), specifically devoted to the three dimensions. Also, there are some other important changes, which do not concern Article 16 specifically, yet have implications for its implementation (e.g. the Community initiatives URBAN, EQUAL, INTERREG were integrated into the main programmes financed by EU funds, the possibility of ERDF-ESF cross-funding was introduced). These points are discussed below in more detail.

In the previous programming period (2000-2006), equality between men and women was mentioned in several paragraphs of the preamble of the General Regulation[11] and in several core provisions[12]. Article 1 of this Regulation stated that "[…] the Community shall contribute to […] the elimination of inequalities, and the promotion of equality between men and women". The provisions for non-discrimination appeared in the preamble[13], while the main text emphasised that a new initiative (EQUAL) is to be created to combat "all forms of discrimination and inequalities". Meanwhile, disability did not figure in the previous programming period neither as a ground for discrimination, nor as an imperative to improve accessibility. Also, there was no mention of sexual orientation as a ground for discrimination.

While during the previous programming periods there were some important references to non-discrimination and gender equality, Article 16 brought various important aspects together. Moreover, in the area of gender equality it provides for what is often referred to as a "general call for gender mainstreaming", "holistic" or "integrative"[14] approach. Such an approach is visible, first and foremost in the indication that "integration of the gender perspective is promoted during the various stages of implementation of the Funds". As mentioned in Chapter 1.1, this implies that specific and targeted measures to improve the situation concerning gender equality are not enough. An assessment of gender effects has to be carried out throughout all the programme cycle; such assessment has to inform decisions concerning the programme design, management, monitoring, etc.

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[11] Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, whereas 27 and 54.
[12] Articles 1, 2, 8, 12, 29, 41, 46 of the Council Regulation (EC) No 1260/1999.
[13] Whereas 5 Council Regulation (EC) No. 1260/ 1999
[14] *Gender mainstreaming in the Use of Structural Funding* (2007), p. 52.

Another important new provision of Article 16 concerns insistence of the *access to funds* in ensuring the prevention of discrimination. Furthermore, the aspect of accessibility for disabled persons is also newly introduced (as explained in Chapter 1.1).

In the 2007-2013 programming period there are some other notable provisions, which have an impact on implementation of Article 16. *Firstly,* the process of partnership is strongly emphasised (Regulation (EC) No. 1083/2006 devoted a separate article (11) to the process of partnership). What did not change much from the previous General regulation (EC) No. 1260/1999 was that the Member States are left with the responsibility for organising a partnership with civil society and other stakeholders. It is also stated that partners are to be included in all policy stages. It must be noted, however, that in describing the partnership process, Article 11 primarily refers to the theme of equality between men and women while the other themes which are of concern for this study are not mentioned explicitly.

Secondly, the Community initiatives (URBAN, INTERREG) have been discontinued. The INTERREG programme has been incorporated into the European territorial cooperation objective, while the objectives of URBAN (for urban development) will be pursued through the objectives of Convergence and Competitiveness. During the previous programming periods the Community initiatives have developed many interesting practices and good practice examples. It is expected that in programming and implementing their Operational Programmes (OPs) for 2007-2013 the Member States would take advantage of the experiences generated through the Community initiatives.

Finally, the possibility of ERDF-ESF cross-financing is one of the most significant innovations in the 2007-2013 programming period[15]. Among other possibilities, it offers an opportunity to include some "soft" actions (e.g. training, communication) in infrastructure projects, which would enable the needs of groups which tend to be under-represented or discriminated against to be taken into account.

The following Chapters analyse each of the three dimensions of Article 16 (gender equality, non-discrimination, accessibility for disabled persons within the context of EU policies). They provide:
   a) a broader conceptual discussion regarding the terms and their definition;
   b) based on the conceptual discussion, an overview of *what approaches can be* taken in promoting gender equality, preventing non-discrimination and improving accessibility for disabled persons;
   c) an analysis of how the three dimensions were addressed in the EU law and thus what approaches *have been taken* in advancing these dimensions.

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[15] *Toolkit for Managing Bodies and Beneficiaries of EU Structural Funds and Cohesion Fund. Ensuring non-discrimination of people with disabilities and accessibility of programmes and projects*. Draft version of October 2008, p. 8.

1.4. Gender Equality

1.4.1. The definition of gender equality

There have been a number of definitions for the concept of equality between men and women, used by EU institutions. For example, in Evalsed[16] equal opportunities for men and women are defined as "equal access for women and men to employment, at the same level of remuneration and social advantages, in a given socio-economic context. This impact relates to the principle of equal rights and equal treatment of women and men. […] The principle of equal opportunities may require unequal treatment to compensate for discrimination"[17].

For the purposes of this evaluation the definition by the Council of Europe will be used, which is more general, less geared towards employment (addressed by the ESF) and easier to apply when discussing its implications for the ERDF and Cohesion fund.

The Council of Europe defines gender equality as 'equal visibility, empowerment and participation of both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not of gender difference, and aims to promote the full participation of women and men in society'[18].

1.4.2. The concept of gender equality: what approaches can be taken?

The concept of equality between men and women has been influenced by the interplay between three historical "waves" of approaches to equality:
  a) the equal treatment perspective, which focuses on equal rights;
  b) the women's (and men's) perspective, which stresses empowerment of the disadvantaged group;
  c) the mainstreaming perspective, which sees the relationship between the genders as structurally embedded and promotes integration of gender perspective into all policy areas[19].

Gender-focused discourse and contemporary gender policy share several essential features, as outlined by Solveig Bergman: (1) the firm belief that gender is considered a primary factor which

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[16] The guide approved by the Commission for evaluation of socio-economic development programmes.
[17] See Glossary
 <http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/glossary/glossary_
 e_en.htm#Equal_opportunities> (cited on 29.01.2009).
[18] Council of Europe (1998). Gender Mainstreaming: *Conceptual Framework, Methodology and Presentation of Good Practices. Final report of Activities of the Group of Specialists on Mainstreaming* (EG-S-MS). Strasbourg, May 1998.
[19] Horelli, Booth, Gilroy (1998/2000), cited in Evalsed, *Perspectives on Equality*.
 <http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/sourcebooks/themes_policy/
 boxes/perspectives_on_equality_en.htm> [cited in 3.2.2009].

determines women's position in society; (2) recognition of the systematic and institutionalised subordination of women; and (3) questioning the legitimacy of this order and attempts to redistribute power[20]. New trends include a different perspective: not only women, but all genders are seen as trapped by the roles which are assigned top-down and obstruct the realisation of their full potential. Therefore, interventions regarding gender should seek not only to help women (presumably in a disadvantaged position), but to actively reallocate resources and dismantle power structures which assign individuals, men as well as women, with stereotypical gender roles.

Following similar arguments provided by Drude Dahlerup[21] and Jessica Lindvert[22], two types of approaches to eliminating gender inequality were identified: (a) the *liberal approach,* which emphasises civil rights and recognition, and (b) the *social approach* which emphasises social rights, integration and redistribution of power[23]. In fact, these approaches are the roots for the **so-called "negative" (or rights-based)** and **"positive" (transformative)** policy actions. In the *first case* any provisions and practices, which may have a discriminatory effect are to be avoided. In the *second*, pro-active actions are to be undertaken to address gender imbalances.

An even more recent approach is often referred to as **"holistic", "integrative" or, simply, "mainstreaming"**. This approach promotes the integration of the gender perspective in the mainstream policy-making process as opposed to the more narrow promotion of equality between men and women. It is defined as 'not restricting efforts to promote equality to the implementation of specific measures, but mobilising all general policies and measures specifically for the purpose of achieving equality'[24]. The concept appeared in the Resolution of the UN Commission on the Status of Women in 1986 and was first used in EU legislation in 1991 (in the Third Action Programme on Equal Opportunities). It started being referred to on a more systematic level in 1995, following the fourth United Nations World Conference on Women in Beijing, where a Platform for Action was adopted.

The **holistic approach** emphasises strongly the need to consider gender in all policy stages, including policy design, resource allocation, the selection of initiatives, management and the monitoring of achievements[25]. It places a strong emphasis on gender impact evaluation. The following aspects for evaluating gender impact have been suggested:

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[20] Solveig Bergman (2004) "Contextualising and Contrasting Feminisms: Studying Women's Movements from a Cross-country Perspective." In *Crossing Borders: Re-mapping Women's Movements at the Turn of the 21st Century*, ed. Hilda Rømer Christensen, Beatrice Halsaa and Aino Saarinen. Odense: University Press of Southern Denmark, p. 28.

[21] Drude Dahlerup (2004). "Continuity and Waves in the Feminist Movement." In *Crossing Borders: Re-mapping Women's Movements at the Turn of the 21st Century*, ed. Hilda Rømer Christensen, Beatrice Halsaa and Aino Saarinen. Odense: University Press of Southern Denmark, p. 61.

[22] Jessica Lindvert (2002). "A World Apart. Swedish and Australian Gender Equality Policy." *NORA*, 10 (2): 99-107, p. 101.

[23] Jessica Lindvert (2002). "A World Apart. Swedish and Australian Gender Equality Policy." *NORA*, 10 (2): 99-107, p. 101.

[24] Communication from the Commission of 21 February 1996 "Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities" (COM(96)67 final).

[25] *Gender mainstreaming in the use of structural funding* (2007), p. 10.

- project selection criteria;
- publicity actions on the opportunities to benefit ?from the funds;
- statistical data;
- appropriate indicators;
- training;
- expertise – in partnership with gender equality experts;
- the establishment of monitoring committees[26].

Some authors welcomed the holistic approach for incorporating gender issues into strategic decisions, which may have an indirect impact on gender relations. For instance, Mark A. Pollack and Emilie Hafner-Burton emphasised the importance of taking 'women's issues out of a narrow policy community' and inserting 'the concerns of women across the entire spectrum of EU public policies'[27]. Yet some other authors do not share this enthusiasm. For example, Emanuela Lombardo argues that if the gender perspective is merely integrated into existing policies, its role is reduced and diluted[28]. However, some other authors continue to point out that such a strict separation between the holistic approach and targeted actions is not altogether accurate. The holistic approach still requires the continuation of specific gender equality policy, "if only to make sure that gender equality issues do not disappear and that equality policies do not get over-fragmented"[29].

1.4.3. Gender equality in the EU legal framework and cohesion policy: what approaches have been taken?

The principle of gender equality has appeared in the EU since the very beginning: in 1957 the EEC Treaty made unequal pay for men and women discriminatory. The EC Treaty indicates that "the Community shall have as its task […] to promote throughout the Community […] equality between men and women" (Article 2) and "the Community shall aim to eliminate inequalities and to promote equality, between men and women" (Article 3).

In total 13 directives concerning gender equality have been adopted. The EU approach towards equality between men and women first developed in relation to employment matters, including the directives on equal pay[30], access to employment and equal treatment in social matters[31]. Yet gradually it was realised

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[26] Advisory Committee on Equal Opportunities for Women and Men (2003). *Opinion on the Gender Dimension in the Structural Funds*, p. 5.

[27] Mark A. Pollack and Emilie Hafner-Burton (2000). *Mainstreaming Gender in the European Union*. A paper for the 12th Biennial Conference of Europeanists, Chicago, p.3.

[28] Emanuela Lombardo (2005). "Integrating or Setting the Agenda? Gender Mainstreaming in the European Constitution-Making Process." *Social Politics: International Studies in Gender, State & Society*. 12(3): 412-432.

[29] Council of Europe (1998). Gender mainstreaming: *Conceptual framework, methodology and presentation of good practices. Final report of Activities of the Group of Specialists on Mainstreaming* (EG-S-MS). Strasbourg.

[30] Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.

[31] Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, 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, Directive 86/613/EEC of 11 December 1986 on the application of the principle

that a genuine equality of opportunities is not attainable without taking other spheres into account. Therefore, starting from the 1990s, a more holistic approach has been pursued. A number of legal acts were adopted regarding the reconciliation of family and professional life[32] and the prevention of sexual harassment at work[33]. Realising that inequality is largely a result of existing attitudes and stereotypes, the European Parliament and the Council adopted a resolution against gender stereotyping[34]. A decision was also taken to coordinate actions in combating violence against women[35]. Furthermore, since the mid-1995 a wide array of legislation for the better inclusion of women in decision-making has been adopted, for example the incorporation of equal opportunities in Community activities and policies[36] and the balanced participation of women and men in the decision-making process[37].

In the evolution of Community policies on gender equality, *one may observe* **all three approaches** referred to in Section 1.4.2. *Initially* the **equal treatment perspective** was undertaken (or the so-called "negative" approach) with an overall emphasis on the avoidance of actions or legal provisions which may have had a discriminatory effect. *Later* the Council recognised the importance of **positive action** for the elimination of existing inequalities, which result from the "prejudicial effects on women […] based on the idea of a traditional division of roles in society between men and women"[38]. *Finally,* the **holistic approach** started to be emphasised. In 2000 the Commission proposed a new framework strategy (for the period of 2001-2005) for eliminating gender inequality, now based on the integration of the gender perspective in all Community policies and activities, complemented with specific actions for the disadvantaged group. A general Roadmap for equality between men and women[39] sets six priorities for 2006-2010: equal economic independence, the reconciliation of work and private life, equal representation in decision-making, the

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of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood, Framework-directive 89/391/EEC on the measures to protect women workers who are pregnant, have recently given birth or are breastfeeding, and a more recent Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

[32] Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC.

[33] Council Resolution of 29 May 1990 on the protection of the dignity of women and men at work; Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

[34] European Parliament Resolution of 14 October 1987 on the depiction and position of women in the media and Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 5 October 1995 on the image of women and men portrayed in advertising and the media.

[35] Decision No. 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme).

[36] Communication from the Commission of 21 February 1996 "Incorporating equal opportunities for women and men into all Community policies and activities" (COM(96) 67 final), which introduced gender equality as a priority, Action programme for equal opportunities 1996-2000, Strategy for eliminating gender inequality in 2000.

[37] Council Resolution of 27 March 1995 on the balanced participation of men and women in decision-making and the Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process.

[38] Council recommendation of 13 December 1984 on the promotion of positive action for women (84/635/EEC).

[39] Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010 {SEC(2006) 275} (COM(2006) 92 final).

eradication of gender-based violence and trafficking, eliminating gender stereotypes and promoting gender equality in external and development policies[40].

The clause for gender equality was first introduced to the EU Cohesion policy during the 1994-1999 programming period; it was stated that the policy measures financed by the Structural Funds shall be in conformity with, inter alia, the application of the principle of equal opportunities between men and women[41]. During the 1994-1999 programming period the main focus of the policy of gender equality was on the implementation of measures specific to women. During later programming periods one could notice the development of a more holistic approach.

Previously in 1996, the Council had issued a Resolution on mainstreaming equal opportunities for men and women into the European Structural Funds. This Resolution encouraged supporting actions which "will make a positive contribution to the promotion of equal opportunities" in various areas, ranging from social infrastructure to access to employment. In addition, the Resolution asked for the inclusion of the gender perspective into monitoring, collecting statistics and decision-making[42]. This was reflected in the general regulation for the period 2000-2006[43] (e.g. the Regulation states that "statistics shall be broken down by sex") but especially in Article 16 of the General regulation for 2007-2013. As was mentioned above, this Article speaks not only about promoting equality between men and women but also about "the integration of the gender perspective", which is to be promoted during "the various stages of implementation". *On the other hand*, the approach undertaken in Article 16 *signifies only a movement towards the mainstreaming approach*. It does not specify explicitly whether the gender perspective has to be promoted in "all" or "various" policy areas.

A number of **useful practices** were developed in 2000-2006 and earlier programming periods in programming EU support and using the funds (including the ERDF and Cohesion fund) to promote gender equality. Examples of positive initiatives at the programming stage include a SWOT analysis using the gender perspective, indicators of horizontal segregation between genders in the context analysis[44], gender-sensitive selection criteria (Sweden)[45], and preference for projects promoting gender equality (in Belgium, Objective 2 regions)[46].

In the later stages of policy implementation other useful practices were observed. In the UK's Objective 2 regions, different grant rates were applied for projects where a high proportion of

[40] "Gender mainstreaming and regional development" (2007), p. 8.
[41] Council Regulation (EEC) No. 2081/93 of 20 July 1993 amending Regulation (EEC) No. 2052/88 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments.
[42] Council Resolution of 2 December 1996 on mainstreaming equal opportunities for men and women into the European Structural Funds.
[43] Council Regulation (EC) No. 1260/99 of 21 June 1999 laying down general provisions on the Structural Funds.
[44] Gender Mainstreaming in the Use of Structural Funding, p. 17.
[45] Gender Mainstreaming in the Use of Structural Funding, p. 22.
[46] Gender Mainstreaming in the Use of Structural Funding, p. 23.

beneficiaries were from targeted (disadvantaged) groups[47]. In some Objective 1 regions there were quotas for jobs created [48]. In the UK completion of an equal opportunities questionnaire was introduced for all project sponsors[49], while in Germany's Objective 1 regions gender mainstreaming boards sent a representative to the monitoring committee. In the UK's Objective 2 region equality advice groups were included as a sub-group of the structural funds strategy group. Their inclusion was initiated in order to represent gender, ethnic and disability groups[50]. In Italy's Objective 1 regions the Department of Equal Opportunities provided technical assistance to all regions and gender task forces were formed[51].

Important examples could be given concerning specific projects, co-funded by the ERDF (the Cohesion fund was less visible in this respect). In Italy's Objective 1 regions the promotion of competence centres and initiatives for women entrepreneurs in the field of environmental protection were supported[52]. In alpine regions of several countries the gender perspective was integrated into spatial planning and drawing up public budgets (INTERREG initiative). Gender-oriented projects for tourism, employment, sports, health and education were implemented[53]. In Sweden the ERDF and the ESF have cooperated to finance the "Know How" project, which included information campaigns and seminars on gender mainstreaming, consultation and support services for companies and public institutions. In the UK, grants covering initial investment (such as equipment, IT, marketing) for women establishing their own enterprises were provided within the framework of an ERDF-funded project[54].

The guidelines laid out for URBAN II Community Initiative Programmes stressed the gender equality dimension both among the principles that urban regeneration strategies had to adhere to and their priorities ("the development of an anti-exclusion and anti-discrimination strategy through actions furthering equal opportunities and targeting notably groups such as women, immigrants and refugees")[55]. In practice, projects financed under URBAN II were aimed at improving living conditions, creating jobs, developing public transport, improving access to education and information technologies. The initiative also promoted partnership and exchange of good practices across Europe.

To cite some examples of projects with a clear gender equality dimension, an URBAN II project in Berlin prioritised the re-integration of long-term unemployed women and young people, improved living conditions and traffic options for cyclists and pedestrians (while statistically women own less private cars than

[47] Gender Mainstreaming in the Use of Structural Funding, p. 23.
[48] Gender Mainstreaming in the Use of Structural Funding, p. 26.
[49] Gender Mainstreaming in the Use of Structural Funding, p. 23.
[50] Gender Mainstreaming in the Use of Structural Funding, p. 25.
[51] Gender mainstreaming in the use of structural funding, p. 47.
[52] Communication on the Implementation of gender mainstreaming in the Structural Funds programming documents 2000-2006, p. 7.
[53] "Gender mainstreaming and regional development", p. 24.
[54] "Gender mainstreaming and regional development", p. 23.
[55] See points 9 and 12, *Communication from the Commission to the Member States of 28.4.00 laying down guidelines for a Community Initiative concerning economic and social regeneration of cities and of neighbourhoods in crisis in order to promote sustainable urban development* (URBAN II).
<http://ec.europa.eu/regional_policy/sources/docoffic/official/guidelines/pdf/urban_en.pdf>

men). The Pamplona project in Spain was aimed at unemployed women in order to help them balance private and working life by promoting small restaurant and bed & breakfast businesses[56]. The project in Komotni region (Greece) engaged into upgrading of skills of the active population in order to encourage competitiveness and combat unemployment (especially high among women and young people).

1.5. Non-discrimination

1.5.1. The definition of non-discrimination

Discrimination usually transcends sectors and creates a vicious cycle where discrimination in, for example, employment leads to poor education, substandard housing and health care[57]. The notion of non-discrimination encompasses many categories of discrimination (sex, age, ethnicity, disability), which often correlate with each other. Yet importantly, the inclusion of various categories of non-discrimination into the same policy framework aiming to address this issue enriches policy approaches and assists the undertaking of systematic measures to address the problem, which takes different forms but follows similar patterns.

Definitions of non-discrimination mainly emphasise the variety of ways in which discrimination may occur. The more-encompassing definitions highlight not only the cases of explicitly discriminatory treatment, but also any other treatment which puts certain individuals at a disadvantage[58]. Also, it is important to distinguish formal equality (or "equality as consistency", or equal treatment) from "real or full" equality, which acknowledges differences among groups and might provide for certain privileges necessary to obtain equality of opportunities[59]. This study shares the following understanding of non-discrimination:

Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation […];

Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons in the protected categories at a particular disadvantage compared with other persons unless:

[56] Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions „The programming of the Structural Funds 2000-2006: an initial assessment of the Urban Initiative" <http://ec.europa.eu/regional_policy/sources/docoffic/official/communic/pdf/urban/com_2002_308_en.pdf>

[57] European Union Agency for Fundamental Rights (2007), *Report on Racism and xXenophobia in the Member States of the EU*, see also European Monitoring Centre on Racism and Xenophobia (2006), *Muslims in the European Union: Discrimination and Islamophobia*.

[58] For example, advertising a job as being unavailable for disabled people would be direct discrimination. Forcing job applicants to do a language test, when it is unimportant for the work, would be an example of indirect discrimination.

[59] European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities Unit G.2. *Equal Rights versus Special Rights? Minority Protection and the Prohibition of Discrimination*. June 2007.

(a) that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary, or
(b) as regards persons with a particular disability, the employer or any person or organisation [...] is obliged, under national legislation, to take appropriate measures [...] in order to eliminate disadvantages entailed by such provision, criterion or practice[60].

1.5.2. The concept of non-discrimination and its implications for public policy: what approaches can be taken?

Non-discrimination covers a wide range of groups and situations. It is often formulated as a *preventive measure*: i.e. any discrimination is to be avoided. Yet in certain cases not all differences in treatment will be considered unlawful. For example, certain age-related requirements for employment are permitted, while the forbiddance of racial or gender discrimination is absolute.

Elimination of discrimination often requires *positive action*: i.e. specific measures (incentives, investments) to handle the situations where discrimination is widespread and deep-rooted. In certain cases *positive discrimination* (or *affirmative action*) might even be undertaken, i.e. certain groups are given a deliberate advantage in order to improve what is considered their unequal or unfair situation in the society.

Similarly, the policy in the field of non-discrimination has had numerous phases, starting with the recognition of the problem, promotion of rights and some selective "soft" measures (such as awareness rising). Currently, a more inclusive and *holistic approach* is becoming more common which suggests integrating non-discrimination reasoning in various strands of public policy rather than approaching it as an independent policy area. In its more encompassing version the holistic approach is often called *mainstreaming*. This term indicates that non-discrimination aspects have to be taken into consideration in every stage of the policy cycle (programming, implementation, evaluation) across various policy strands, based on an analysis of the situation of discriminated groups.

The question of *representation* of disadvantaged groups has been gaining ever-increasing importance. While some ethnic or religious minorities may be considerably represented in national and EU legislatures, migrants or people with severe disabilities are often denied the opportunity for self-advocacy. Some disadvantaged groups, such as the Roma minority, transcend the borders of Member States, are marginalised in most of them and lack representation[61]. Including disadvantaged groups in the policy

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[60] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
[61] Andrzej Mirga, *Making the EU's anti-discrimination policy instruments work for Romani communities in the enlarged European Union*. A paper based on a presentation at the European Parliament's Public

process is often referred-to as **partnership** and constitutes an important part of the holistic and mainstreaming approach.

Analysing non-discrimination and selecting appropriate measures is often subject to debate and controversy. Overlapping identities (e.g. age and disability) create difficulties in investigating on what grounds individuals are discriminated, as well as finding appropriate indicators to measure their situation. Another problem arises from a certain tension between individual and collective rights. For example, neither the EU nor the Member States have found an optimal way to ensure that minority protection does not contradict other fundamental principles, such as gender equality and non-discrimination on the grounds of sexual orientation[62].

1.5.3. Non-discrimination in the EU legislative framework and cohesion policy: what approaches have been taken?

1.5.3.1. The principle of non-discrimination in the EU legislative framework

Non-discrimination has been initially included in EU legislation as a part of the Community's effort to promote human rights. The current shape of anti-discrimination policy developed rather recently, after the EU's legal framework in anti-discrimination field was extended by the Article 13 of the Treaty of Amsterdam (1997), stating that "[…] the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

Ensuring **access to employment** has traditionally been the most consistent strategy of the EU in combating non-discrimination. This in fact became one of the important pillars of the Lisbon agenda. The Lisbon strategy set the employment targets **for women** and **older workers** (correspondingly, 60% and 50% by 2010) which are being pursued by all MSs and coordinated on the basis of the Open Method of Co-ordination (OMC).

There are two directives in the area of non-discrimination, both adopted in 2000. The Racial Equality Directive[63] prohibits discrimination on the **grounds of race and ethnic origin** in employment and beyond (in such areas as training, education, social protection, social advantages and access to goods and services, including healthcare and housing). Discrimination victims are given the right to make a complaint and those who discriminate can face penalties. The Employment Equality Directive[64] prohibits discrimination **on the grounds of religion or belief, disability, age or sexual orientation in the workplace**.

Seminar "Promoting EU Fundamental Rights Policy: From words to deeds or How to make rights a reality?" April 2005.

[62] European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G.2. *Religion and Belief Discrimination in Employment – the EU Law*. November 2006.

[63] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

[64] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

The framework of protection provided by the two directives is often considered as limited because only protection against discrimination on the grounds of race and ethnicity goes beyond the usual sphere of employment, occupation and vocational training[65]. Moreover, the actual implementation of various principles of non-discrimination was not without complications as this affects a number of sensitivities in some of the Member States. For example, by 2007 some of the MS had not yet enacted implementing legislation for the Racial Equality Directive[66]. The objective to eliminate discrimination contradicted the popular pressure for stricter immigration control. The Eurobarometer report (published in 2007) showed that about 2/3 of Europeans think that non-whites, disabled people, gays, senior citizens, people with different religious beliefs and women are being discriminated against[67].

Concerning specific grounds for discrimination, *age* remains a common basis for self-reported discrimination, as 6% of Eurobarometer respondents reported having experienced it over the course of the year[68]. In UK in a national survey of human resources practitioners and managers, 59% of respondents reported having been discriminated against during their careers on the basis of age in some way. Nevertheless, research reveals that a significant progress had been achieved within the past decade: since 1995, the number of people reporting that they did not get a promotion because of being too old has halved[69].

Legal research testifies that prevention of discrimination on the grounds of *sexual orientation* has improved since the introduction of the Council Directive 2000/78/EC: 18 out of 27 EU Member States have even gone further then the EU anti-discrimination legislation requires and have provided for legal protection against discrimination on grounds of sexual orientation in the spheres of employment, access to public goods and services, housing and social benefits[70].

Some positive developments can be noticed in *promoting diversity*. A large majority of the 1 200 SMEs (79%) that took part in a recent survey suggested that they recognise the potential benefits of promoting diversity in the workplace[71]. Obvious results have been achieved in terms of *gender equality* in the workplace. Female employment rate in 2006 was already close to the 2010

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[65] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 June 2005 "Non-discrimination and equal opportunities for all - A framework strategy" (COM(2005) 224 final).

[66] European Union Agency for Fundamental Rights (2007). p. 20.

[67] Eurobarometer (2007). *Discrimination in the European Union*.

[68] Eurobarometer, *Discrimination in the European Union: Perceptions, Experiences and Attitudes.* 2008, p. 12.

[69] Chartered Institute of Personnel and Development, http://www.cipd.co.uk/NR/rdonlyres/9011EE0F-3DD0-4090-BE6C-65181FFDECBF/0/agedisc1005.pdf, p. 5

[70] European Union Agency for Fundamental rights, *Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States Part I – Legal Analysis.* 2008, p. 148. <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/FRA_hdgso_part1_en.pdf> [Accessed 2009-03-06]

[71] European Commission, *Continuing the Diversity Journey: Business practices, perspectives and benefits.* October 2008, p. 24.
<http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/busicase08_en.pdf> [Accessed 2009-03-06]

target indicator (57.2% as compared to 60%)[72]. Average Europeans are also comfortable with diversity, as the Eurobarometer findings show, however, the stereotypes against the **Roma community** are very resilient (Europeans would find it difficult to accept a Roma as their neighbour)[73]. Particularly in the Central and Eastern European countries, the Roma appear to run the highest risk to be excluded from the social and labour market, despite the national and local policy interventions[74].

Some new and important developments in addressing the issue of non-discrimination concern the emphasis **on impact assessment** and **partnership**. Within the framework of the "Better Regulation Initiative", an impact assessment system was introduced in 2003[75], which, *inter alia,* suggested assessing "social impacts" relevant from the perspective of non-discrimination[76]. The Framework strategy for Non-discrimination and Equal Opportunities (adopted in 2005) identified, among other priorities, the importance of networking and exchanges of experience[77]. Also there are indications of a drift towards a more **holistic approach** in putting a stronger emphasis on non-discrimination in various policy stages and/ or policy areas. For example, the Framework strategy indicates that "combating the various forms of discrimination are a part of the EU's accession, neighbourhood and foreign policy"[78].

1.5.3.2. The principle of non-discrimination in the EU cohesion policy

These above-mentioned trends are reflected in the cohesion policy of the EU. *First and foremost*, Article 16 concerns all the funds and not only the ESF. While employment policy is usually the realm of the ESF, the other two funds provide support to a variety of areas, including the environment, health, and transport. Thus, Article 16 in itself indicates some extension of the EU non-discrimination policy to the policy areas beyond employment. *Secondly*, Article 16 calls not only for the prevention of discrimination, it also indicates

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[72] Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "Equality between women and men — 2008". Brussels, 23.1.2008, p. 3. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0010:FIN:EN:PDF> [Accessed 2009-03-06]

[73] Eurobarometer, *Discrimination in the European Union: Perceptions, Experiences and Attitudes.* 2008, p. 10. <http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf> [Accessed 2009-03-06]

[74] *Ethnic Minorities in the Labour Market: An Urgent Call for Better Social Inclusion.* Brussels. Report of the High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation in the Labour Market. December 2007, p. 36-37. <http://www.soros.org/initiatives/brussels/focus/integration/articles_publications/publications/ethnic_20071201/report_20071201.pdf> [Accessed 2009-03-06].

[75] The Communication on Impact Assessment of 5 June 2002 (COM(2002)276 final) sets out the procedure to be applied to "all major initiatives".

[76] In the section on "analysing the impact", it is stated that the main task of impact assessment "will be to identify all relevant (positive and negative) impacts": economic, social and environmental. Among the social impacts, "impact on fundamental/human rights, compatibility with Charter of Fundamental Rights of the European Union, changes in employment levels or job quality, changes affecting gender equality, social exclusion and poverty" are given as examples of possible social impact (The Communication on Impact Assessment of 5 June 2002 (COM(2002)276 final)). Also see *Non-discrimination Mainstreaming – instruments, case studies and way forwards*, p. 6.

[77] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 June 2005 "Non-discrimination and equal opportunities for all - A framework strategy" (COM(2005) 224 final).

[78] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 June 2005 "Non-discrimination and equal opportunities for all - A framework strategy" (COM(2005) 224 final).

that prevention has to be observed *in various stages of implementation,* and especially *in the access to funds.* All of the above-mentioned provisions indicate a certain inclination towards the more ***holistic approach*** (various policy areas, various sectors). Furthermore, the emphasis on ensuring *access to funds* may lead to the measures going beyond ensuring avoidance of discriminatory treatment. It may suggest that some ***positive measures*** (at least in providing targeted and customised information) have to be undertaken.

The emphasis of Article 16 is on the ***prevention of discrimination***. This does have a certain meaning in the context of EU cohesion policy. The prevention may be carried out in three policy stages:

- Ex-ante:
    - minimum requirements for interventions;
    - inclusion of representative partners in the planning process;
- Ongoing:
    - inclusion of representatives of discriminated groups in various management arrangements;
    - adequate design of project selection criteria (e.g. the selection criteria encouraging the inclusion of discriminated groups should not necessarily be compulsory, however they may play a role in informing the (potential) beneficiaries and thus preventing discrimination (unintended or otherwise);
    - targeted efforts to provide information to the discriminated groups (as their access to information tends to be more restricted);
    - targeted efforts to assist projects implemented by the discriminated groups (as these groups usually lack necessary skills);
    - thematic events and seminars for the discriminated groups on opportunities provided by the EU funds;
    - guidelines for the discriminated groups on how to take advantage of the opportunities provided by EU funds;
    - guidelines for project managers on avoiding discrimination;
- Ex-post (special audits, evaluations, studies, notifications from "whistle-blowers").

During the previous programming periods a number of ***useful practices*** were demonstrated in addressing the issue of non-discrimination. These concern various stages of policy implementation, as some of the disadvantaged groups were mentioned in context analysis, and the principle of non-discrimination was among those to be observed in designing the project selection criteria and representatives of the disadvantaged groups were to be included in the partnership process[79]. In Greece, a national disability umbrella organisation has been included in monitoring committees for the Funds with voting rights. They have achieved that mainstreaming of disability was included in all

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[79] Community Instruments and Policies for Roma Inclusion, p.11.

operational programmes, special measures were designed for the most vulnerable groups, and the disability terminology was modified[80].

The Spanish multiregional OP "Fight against discrimination" (Objectives 1 and 3) cited as an example of a good practice by many, was implemented in 2000-2006. It involved measures to boost equality in the sphere of employment and targeted the disadvantaged groups such as women or the Roma community. Moreover, the programme has been extended into the 2007-2013 financing period. Mid-term Evaluation report of 2000-2006 financing period recorded UK Merseyside Objective 1 programme as a good practice in terms of promoting equal opportunities. The programme combined measures to boost employment with those for social inclusion and lifelong learning and was evaluated as a "comprehensive and integrated policy response"[81]. On the other hand, the Vastra Objective 2 programme in Sweden was said to lack social inclusion focus as the issue of equal opportunities was not considered decisive for project selection[82].

Projects were carried out to improve the living conditions of disadvantaged minorities. Typically disadvantaged groups (such as the Roma) live in poorer districts with a reduced availability of infrastructure. Therefore the ERDF investments in the area of urban rehabilitation had a positive impact on the situation of disadvantaged groups living in these districts[83].

URBAN II projects have been engaged in improving the situation of various disadvantaged groups. For example, a programme was designed to help disadvantaged areas in Denmark. The URBAN II programme for Gothenburg (Sweden) tackled such issues as crime and drug abuse in certain areas and prioritised projects which facilitate the integration of ethnic minorities through leisure and cultural activities. The URBAN II programme for Bristol (UK) contributed to enhancing job opportunities for young people, with a particular emphasis on single-parent families. The URBAN II programme for Milan financed various measures to help disadvantaged groups access the labour market through entrepreneurial support.

In Finland, in the town of Vantaa near Helsinki, URBAN II funds were used to set up a family centre for immigrants offering activities and support that help to integrate the immigrant population into the Finnish society and providing childcare services for the duration of the activities. The initiative addressed several layers of exclusion: the one based on nationality or language ability as well as on gender, as it is the immigrant women who are most isolated due to their unemployment in the host country[84].

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[80] *Toolkit for Managing Bodies*, p. 16.
[81] European Commission, DG Regional Policy Evaluation Unit – REGIO.C.2, *The Mid Term Evaluation in Objective 1 and 2 Regions. Growing Evaluation Capacity. Final Report. November 2004*, p. 50. <http://ec.europa.eu/regional_policy/sources/docgener/evaluation/pdf/tech_mte_en.pdf> [Accessed 2009-03-09].
[82] Ibid, 50-51.
[83] E.g. Roma, see *Community Instruments and Policies for Roma Inclusion*, p.17.
[84] "Opening its doors to immigrants: integration is all about meeting others" <http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=FI&the=91&sto=1566&lan=7&region=ALL&obj=ALL&per=2&defL=EN>.

There have been projects that were not specifically directed to any disadvantaged group, although they still benefit people with disabilities by, for instance, easing everybody's access to information. In Lithuania, the National Martynas Mažvydas Library developed an integrated Virtual Library Information System encompassing digitised Lithuanian cultural assets on a harmonised database. It is an archiving and long-term preservation solution, yet at the same time, it makes the cultural heritage and sources of information more accessible to the disabled, the elderly, and to people living in remote areas[85]. In other cases the boost of ICT skills has been the goal in itself as it helps to improve employability of the disadvantaged groups and opens up new opportunities for them[86].

1.6. Accessibility for disabled persons

1.6.1. The definition of accessibility for disabled persons

The World Health Organisation (WHO) defines disability as "any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner of or within the range considered normal for a human being"[87]. The definitions provided in Article 2 of the UN Convention on the Rights of People with Disabilities imply several spheres where the needs of the disabled must be addressed:

- communication (ensuring that disabled individuals have access to information, including in large print, human-reader, Braille, etc.);
- situations of discrimination on the basis of disability (including denial of reasonable accommodation);
- accommodation (adjustments "not imposing a disproportionate or undue burden");
- the universal design of products, environments, programmes and services without the need for adaptation.

This has direct repercussions to the concept of accessibility for disabled persons, which is used in Article 16. For the purposes of this study the definition from the UN Convention on the Rights of People with Disabilities will be used.

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[85] "Access to culture for all" <http://ec.europa.eu/regional_policy/projects/stories/ details_new.cfm?pay=LT&the=79&sto=1546&lan=7&region=ALL&obj=ALL&per=2&defL=EN>
[86] See "Licensed to skill: extending the ETC Skills Development Centre in Malta" <http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=MT&the=82&sto=1510&lan =7&region=ALL&obj=ALL&per=2&defL=EN>

[87] "International Classification of Impairments, Disabilities and Handicaps", WHO, Geneva, 1980, cited in APPLICA & CESEP & EUROPEAN CEN (2007). *Study of compilation of disability statistical data from the administrative registers of the Member States*, p. 26.

> Accessibility is defined in the UN Convention on the Rights of People with Disabilities (Article 9) as access on equal basis with others to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

Accessibility requirements apply to buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces, information, communication and other services, including electronic services.

1.6.2. The concept of disability and accessibility for disabled persons and its implications for public policy: what approaches can be taken?

Many reports and studies stress that there is still much to be done *to achieve equal opportunities* for disabled people in mainstream society. A study on discrimination against people with severe disabilities and/or complex needs has found that these people are "at a high risk of being discriminated against in all Member States and in all aspects of their lives", thus becoming "one of the most excluded groups of citizens in the European Union"[88]. The study found that discrimination exists on several levels, such as accessibility of services, empowerment, self-advocacy and participation[89].

The concept of disability (as applied in policy making) has developed from *individualised (or "medical") understanding* to the *"social" model*. The former conceptualises disability as "a traumatic physical and psychological effect on people resulting in their difficulty to ensure themselves an adequate quality of life", whereas the latter emphasises that "disabled people encounter various economic and social barriers which prevent them from ensuring themselves adequate life quality by their own effort"[90]. As the result of this change in perception, the typical public policies dealing with the needs of the disabled (*aid and welfare*) were supplemented with *rights and inclusion* type policies.

Typical *aid and welfare* type measures provide disability benefits. There are numerous models in Europe for distributing such benefits e.g. multi-functional individually tailored assistance, which provides disabled people with an individual plan of assistance (UK, Austria, France). The *protection of rights* (or anti-discrimination) policies are based on anti-discrimination legislation and emphasise civil

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[88] European Commission (2007). *The Specific Risks of Discrimination against Persons in Situation of Major Dependence or with Complex Needs. Report of a European Study*, p. 4.
[89] *The Specific Risks of Discrimination against Persons in Situation of Major Dependence or with Complex Needs* (2007), p. 4.
[90] Teresa Zolkowska, Iwona Kasior-Szerszen and Irena Blaszkiewicz (2002). "A Summary of European Union Policies concerning People with Disabilities." *Disability Studies Quarterly*, 22(4); reprinted in disabilityworld.org <http://www.disabilityworld.org/01-03_03/news/eupolicies.shtml>

rights, equal opportunities and the *prevention of direct or indirect discrimination*. The **accessibility for the disabled** approach expands the protection of rights type policies in its emphasis on the removal of technical barriers which prevent disabled people from taking advantage of their rights on the same terms other people (e.g. the adaptation of work and the workplace). The idea that the disabled have to be adequately represented in policy making[91] is also well accepted and is implemented through encouraging *partnerships, consultation* and other means.

The ***inclusion model*** goes further than the protection of rights (prevention of discrimination) model. It calls for initiating ***pro-active*** measures to improve the situation of disabled individuals. Such measures aim to tackle these kinds of discrimination which are "deeply rooted either in the national welfare ethos or in the institutional configuration of services for disabled individuals"[92]. Many of the pro-active measures are aimed at improving the situation of the disabled in the labour market, based on the assumption that employment for the disabled provides the best basis for social integration, while also having a positive impact on public finances. The examples of such measures are:

- rehabilitation and return to work, including guidance and counselling (for example, special grants from the public employment service in Ireland for employers retraining employees who acquired disability while working[93]);
- job subsidies to cover the difference between the output of a disabled individual and their able-bodied colleagues (e.g. social enterprises in Lithuania), tax advantages for enterprises employing the disabled[94].

1.6.3. Accessibility for disabled in the EU legislative framework and cohesion policy

Disability was first mentioned in the EC Treaty in 1997, when Article 13 was introduced, which indicated that the Community may take "appropriate action" to combat discrimination, *inter alia*, based on disability. The first EU initiatives devoted to disabled people were aimed at promoting *equal opportunities* in employment (the Resolution on equal employment opportunities for people with disabilities in 1999[95]). The Guidelines for Employment Policies of Member States (2008) included a statement that "particular attention must also be paid to significantly reducing employment gaps for people at a disadvantage, including disabled people"[96].

However, the ***principle of accessibility for disabled persons*** has also been gaining prominence in the EU policy agenda.

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[91] Jim Mansell, Martin Knapp, Julie Beadle-Brown and Jeni Beecham (2007). Deinstitutionalisation and Community Living – Outcomes and Costs: Report of a European Study. Volume 2: Main Report. Canterbury: Tizard Centre, University of Kent, p. 102.

[92] European Commission, DG for Employment, Social Affairs and Equal Opportunities (2000). *Benchmarking Employment Policies for People With Disabilities*, p 202.

[93] European Commission, DG for Employment, Social Affairs and Equal Opportunities (2005), *Disability mainstreaming in the European Employment Strategy*, p. 12.

[94] *Benchmarking potential indicators* (2000)*.*

[95] Council Resolution of 17 June 1999 on equal employment opportunities for people with disabilities.

[96] Council Decision (EC) No. 618/2008 of 15 July 2008 on guidelines for the employment policies of the Member States.

Adaptation of the work place is of particular importance in ensuring access to employment. The 2000 Council Directive establishing a general framework for equal treatment in employment and occupation[97] is "ground-breaking"[98]. Both public and private employers were obliged to accommodate the needs of people with disabilities (for example adapting premises and equipment). The Resolution on a new Community strategy on health and safety at work (2007-2012)[99] requires that "workplaces must be designed in such a way that the employability of workers is ensured throughout their working lives. At the same time, workplaces should be tailored to the individual needs of older and disabled workers". In comparison, the previous strategy required only to "enhance awareness among those concerned of the need to reintegrate disabled people into the employment market"[100].

Accessibility to the work-place is only part of the measures necessary to ensure full participation for the disabled in society, networks and communities (as the "social" model of disability emphasises (see previous section)). In the EU numerous technical directives were adopted aimed at improving some practical aspects of life of disabled people, ***in particular in the fields of transport, the tourism sector, and infrastructure building***[101]. The Resolution on e-Accessibility promotes full access for people with disabilities to information technologies and other aspects of a ***knowledge-based society***[102]. E-inclusion and e-accessibility are among the priorities for development of the Information Society in the EU[103]. In addition, various actions were called for to ensure that disabled persons are provided with access to rights and benefits available to other citizens in ***education, family life and culture***[104].

The use of Structural Funds to improve accessibility has been explicitly encouraged[105] and such a stance is well reflected in Article 16. Some ***positive examples*** from 2000-2006 may be mentioned already. In the Dutch province of Flevoland, a new flexible public transport scheme was launched. It supplemented the traditional public transport with a taxi-style service (yet at much lower tariffs) that can be booked by a telephone call and is not confined by pre-set routes. This service significantly widens the opportunities

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[97] (EC) No. 78/2000 of 27 November 2000.
[98] *Disability mainstreaming in the European Employment Strategy*, p. 3.
[99] Council Resolution of 25 June 2007 on a new Community strategy on health and safety at work (2007-2012).
[100] Council Resolution of 3 June 2002 on a new Community strategy on health and safety at work (2002-2006).
[101] Council Directive 2001/85/EC of 13 February 2002 relating to special provision for vehicles used for carriage of passengers comprising more than eight seats in addition to driver's seat; Council Recommendation 1998/376/EC of 4 June 1998 on a parking card for people with disabilities, Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility travelling by air.
[102] Council Resolution of 6 February 2003 on eAccessibility – improving the access of people with disabilities to the Knowledge Based Society.
[103] Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the regions of 1 June 2005 ""i2010 – A European Information Society for growth and employment" (COM(2005) 229 final)
[104] The Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union; Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities; Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training.
[105] The Resolution on the situation of persons with disabilities in the European Union (2008).

available to the disabled[106]. The Irish and Welsh education institutions launched a fruitful collaboration (*PACTS*) targeting people with learning difficulties: by developing training and information materials, conducting trainings and raising awareness about the issue, the project helped to overcome hindrances preventing them from entering tertiary education[107].

1.7. Conclusions and research questions

Article 16 entails a number of important provisions aimed at promoting gender equality, the prevention of discrimination and improving accessibility for disabled persons. While some of the aspects of the three dimensions were already present in the previous programming period, Article 16, for the first time in the EU cohesion policy, brings all of them together under a single article. Moreover, in some important respects each of the three dimensions of Article 16 acquired new features, which were not present (at least in such an explicit manner) during previous programming periods. Naturally, this leads to a question of *what reflection did these features find in the actual practices undertaken by Member States in implementing programmes co-financed by the EU?*

Furthermore, it is worthwhile applying this question to the programmes co-financed specifically by the ERDF and Cohesion Fund. As explained in the Chapter 1.1. the questions of gender and non-discrimination were usually addressed with the support of the ESF (especially in the context of employment or social inclusion policy). However, both the ERDF and the Cohesion Fund may make significant contributions for the benefit of the groups listed in Article 16. Therefore, the analysis of practices actually used in the programmes co-financed by the ERDF and Cohesion fund would actually be useful:
a) to understand to what extent the Member States actually took advantage of the provisions of Article 16 and integrated the principles of gender equality, non-discrimination and accessibility for disabled persons in their cohesion policy programmes co-funded by the ERDF and Cohesion fund;
b) to identify good practices, which may be shared and learned from.

These two aspects provide a rationale for the "study on the translation of Article 16 of Regulation EC1083/2006, on the promotion of gender equality, non-discrimination and accessibility for disabled persons into cohesion policy programmes 2007-2013 co-financed by the ERDF and the Cohesion Fund".

Taking this rationale into consideration a number of specific research questions may be generated. The background for these research questions is provided in the literature review on:

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[106] "'A la carte' public transport: we're on the way!"
<http://ec.europa.eu/regional_policy/projects/stories
/details_new.cfm?pay=NL&the=82&sto=1505&lan=7&region=ALL&obj=ALL&per=2&defL=EN>
[107] The project "Opportunities for All: PACTS (Partners Collaborating in Training for Individuals with Specific Learning Disabilities)" was financed under the Ireland-Wales Interreg IIIA programme <http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=UK&the=82&sto=1514&lan=7&region=ALL&obj=ALL&per=2&defL=EN>

a) the most important and/ or new provisions of Article 16 (Chapter 1.1.);
b) the important/ new developments in the 2007-2013 programming period as compared to earlier programming periods (Chapters 1.2-1.3);
c) the approaches to gender equality, non-discrimination and accessibility for disabled persons which could be taken and were taken in EU legislative framework in general and in EU cohesion policies in particular (Chapters 1.4-1.6).

These research questions are presented in Table 5 below. It is useful to differentiate between two types of research questions: general and specific. The general questions are to structure analysis and to provide categories for thinking. The specific questions apply the general questions in a specific context and may be asked in interviews, checklists, etc.

Table 5. Research questions for the study

Point in the Literature Review	General Research Questions	Specific Research Questions
Various stages of implementation are to be taken into account in integrating the gender perspective, preventing discrimination, observing accessibility for disabled persons. At least one of these stages (partnership) has been emphasised in both the 2000-2006 and 2007-2013 programming periods.	How are the promotion of gender equality, prevention of discrimination and accessibility for disabled persons addressed in programme design, project selection, financial management, monitoring, evaluation, reporting and partnership?	Does the emphasis on the three dimensions of Article 16 differ at different stages of implementation?
The explicit inclusion of the principle of gender equality and non-discrimination in the Council Regulation creates a legal obligation for MSs and the Commission. However, Article 16 leaves space for discretion and interpretation. The Member States are obliged to take appropriate steps which mean that they should pursue the obligations steaming from Article 16 in accordance with the national law.	How the issues of gender equality, non-discrimination and accessibility to the disabled are addressed in national law?	Do the OPs refer to the national law in their commitment to pursue the provisions of Article 16?
Article 16 provides for holistic (or mainstreaming) approach in gender equality. It calls not only for ensuring equality between men and women but also for integration of *the gender perspective* in *all policy stages.* Pro-active measures to improve the gender balance situation, as well as measures to avoid discrimination are possible.	How is this holistic approach reflected in the way Operational Programmes are designed and implemented? How gender aspect is reflected in various types of interventions (aid to enterprises, development of endogenous potential, investment into infrastructure)	- Are gender issues reflected in the OP context analysis, statistics, indicators, SWOT, is statistics (indicators) disaggregated by gender? - Are gender issues reflected in the wording of priority axes, objectives, specific measures? - Do project selection criteria take gender into account? - Are gender aspects taken into consideration during the financial management of the programmes? - Are gender effects assessed in the monitoring and evaluation process? Do ex-ante evaluations make reference to Article 16 provisions? Was a gender impact assessment carried out (or is such assessment planned)? - Are representatives of both genders consulted during various stages of implementation? If so, when, which ones and how?
Article 16 approaches discrimination first and foremost from the perspective of prevention. However, it also indicates that discrimination is to be prevented during *the various stages of implementation* of the Funds and, in particular, *in access to them.* This could be interpreted as going beyond a traditionally narrow meaning of prevention (i.e. doing nothing which could lead to direct or indirect	How is the prevention of non-discrimination being implemented? Are there any measures to improve access to funds? How the principle of prevention of non-discrimination is reflected in various types of interventions (aid to enterprises, development of endogenous potential, investment into infrastructure)	- Are there any provisions on non-discrimination in the OP context analysis, statistics, indicators, SWOT? Is statistics (indicators) disaggregated by a discriminated group (groups)? - Are there any provisions of prevention of non-discrimination or access to funds in the strategy: priority axes, objectives, specific measures?

discrimination) and implying some pro-active approach.		- Do project selection, financial management, monitoring and evaluation systems mention that they were set following the principle of non-discrimination? Do ex-ante evaluations make reference to Article 16 provisions regarding non-discrimination? - Are there any specific measures foreseen to improve access to Funds or to assess how accessible these Funds were for the disadvantaged groups? - Are there any specific measures to consult the disadvantaged groups during various stages of implementation? If so, when, which ones and how?
Accessibility for disabled persons is to be to be observed in defining operations of the Funds and to be taken into account during the various stages of implementation. The requirement for accessibility goes beyond a simple request to *prevent* discrimination on the basis of disability or to ensure access to Funds for that matter. Accessibility means that technical conditions have to be created which would enable the disabled persons to take advantage of the public infrastructure and services on equal terms with non-disabled persons. First and foremost this concerns transport and information society infrastructure.	What measures are used to ensure accessibility for disabled persons? Are they limited to one specific type of intervention (aid to enterprises, development of endogenous potential, investment into infrastructure) or undertaken systematically in all types of interventions?	- Is accessibility discussed in the OP context analysis (statistics, SWOT, indicators)? - Are there any provisions indicating approach towards accessibility in the strategy itself (priority axes, objectives, measures)? - Are there any provisions for taking accessibility into account in selecting projects? - Does the system of financial management check in any way if the principle of accessibility was followed? - Do monitoring and/ or evaluation reports assess how the principle of accessibility was pursued? Do ex-ante evaluations make reference to Article 16 provisions regarding the principle of accessibility? - Is accessibility an issue in discussions between partners?
Community initiatives URBAN, INTERREG (implemented in 2000-2006) integrated into the SFs and CF objectives.	Was the experience (and good practices) of URBAN and INTERREG used during the new programming period in promoting gender equality, non-discrimination and accessibility for disabled persons?	Any references in the OP context analysis or strategy that the experience of INTRRERG or URBAN proved useful in the new programming period?
Possibility for cross-financing.	How is the cross-financing used to advance gender equality, non-discrimination and accessibility for disabled persons?	Any references in the OP context analysis or in the strategy that ESF/ ERDF cross-financing will be used for projects aimed at promoting the gender perspective, improving the access to funds for the disadvantaged groups or accessibility for disabled persons?

2. METHODOLOGY

In this Chapter the methodology for carrying out of the Tasks 2, 3 and 4 of the 'Study on the Translation of Article 16 of Regulation EC1083/2006, on the promotion of gender equality, non-discrimination and accessibility for disabled persons into Cohesion policy programmes 2007-2013 co-financed by the ERDF and the Cohesion Fund' is presented.

Firstly, the methodology for the Review of the translation of Article 16 into Cohesion policy programmes is discussed. *Secondly,* the methodology for carrying out the Case studies is presented. *Thirdly*, the main methodological issues for drawing the conclusions and recommendations (including the Self Assessment Guide) are addressed.

2.1 Methodology for Task 2: review of the translation of Article 16 into Cohesion Policy Programmes

The Tender Specifications state that:

> This task will consist of drawing up, on a sound basis and criteria, a sample of 50 cohesion policy operational programmes and **reviewing the extent** to which Article 16 has been and is being taken account of in the various stages of implementation. The contactor has to develop the methodology for drawing up the sample of OPs and describe in detail how the actual review will be undertaken.

2.1.1 Selection criteria of the 50 OPs

By the end of 2008, 316 OPs[108] were approved for 2007-2013, of which 246 are implemented under the Convergence and Competitiveness objectives and 70 aim for improving the territorial co-operation. 8 Technical Assistance OPs have been excluded from the study[109]. The **main goal** of Task 2 is to to generate a representative sample for a systematic review of 50 operational programmes. Representative sample, defined in accordance with the Tender Specifications, means that:

> A geographical balance between new and old Member States, Convergence, Regional Competitiveness and Employment and European Territorial Cooperation Objectives should be ensured.

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[108] Excluding the OPs co-financed by the ESF.
[109] OPs from BG, CZ, ES, HU, PL, PT, RO, SK

Four selection criteria are offered in order to construct a representative sample of cohesion policy programmes. These criteria are based on the requirements of the Tender Specifications. The final choice of criteria was made in order to ensure an appropriate balance between MS contexts (EU15 vs. EU12 MS, types of the welfare states) and choices directly related to SF- and CF (such as cohesion policy objectives, regional *vs.* national programmes). Specific criteria may somewhat correlate with each other (e.g. most of the OPs from EU12 will be financed under the Convergence objective). On the other hand, all of the criteria emphasise some distinct aspects which may influence how gender equality, non-discrimination, and accessibility for disabled persons are integrated into the OPs. The selection criteria of 50 programmes are provided in Table 6 and commented on in more detail below.

Table 6. The selection criteria for 50 OPs

The Selection Criteria			
1	2	3	4
Balance of objectives	Balance between national/ sectoral and regional OPs	Balance between EU15 and EU12 MS	Contextual balance, based on welfare regimes

Source: PPMI

The Balance of Objectives

The OPs will be differentiated on the basis of Convergence, Competitiveness and Territorial Cooperation objectives. This is a specifically SF-related criterion, based on the assumption that the OPs programmed under different objectives tend to emphasise distinct measures and approaches. For example, the OPs under the Convergence objective will finance more infrastructure-related projects. Meanwhile, the Territorial Cooperation programmes put a stronger emphasis on joint events and exchange of best practice and experience. Equally importantly, it is also presumed that the experience gained in programmes financed under one objective may prove to be interesting for OPs under other objectives. The overall distribution OPs according to each of the objectives is presented in Table 7.

Table 7. The distribution of OPs in terms of the SFs' objectives (No. of OPs)

	Conver-gence	Competi-tiveness	Conver-gence and Competitiveness*	Territorial Cooperation	Total
Number	115	113	10	70	308
Percentage	37,3	36,7	3,2	22,7	100

Source: PPMI, based on official data from the EC
* The programme falls within the framework laid out for the Convergence and Regional Competitiveness and Employment Objectives

Balance between the national/ sectoral and regional OPs

The programmes under the Convergence and Competitiveness objectives may be either national/sectoral or regional. The Territorial Cooperation programmes are trans-national or cross-border and cover regions in more than one MS. National programmes apply to the country as a whole and tend to have a broad sectoral focus (e.g. transport, information society, or research and development). Alternatively, the regional programmes usually address more diverse issues and are based on the needs of a specific region (e.g. Attica (Greece), Extremadura (Spain), Lower Silesia (Poland)).

Overall, the regional programmes often have different intervention logic than the national/sectoral ones. Hence, it is necessary to ensure that the sample of OPs selected for analysis would cover both the national/sectoral issues, as well as regional programmes. In addition, the analysis of translation of Article 16 into regional programmes would also indicate how gender equality, non-discrimination and accessibility for disabled persons are addressed at the sub-national level. The initial assumption is that sub-national authorities may find it even more challenging than the national ones to implement and adequately integrate the requirements of Article 16 into their programmes. On the other hand, the opposite may be true: regional governments may be more aware and thus more sensitive to the most-pressing problems in the region, including cases of discrimination issues.

The distribution of the OPs in terms of the national/sectoral – regional criteria is presented in Table 8.

Table 8. Distribution of OPs, based on the national/sectoral – regional dimension (No. of OPs)

	National/ sectoral	Regional	Trans-national (cross-border)	Total
Number	54	184	70	308
Percentage	17,5	59,7	22,7	100

Source: PPMI, based on official data from the EC

Balance between the EU15 and EU12 Member States

In 2004 and 2007 the EU experienced two waves of enlargement, with 12 new Member States entering the EU. The new MSs have their own specific economic and social contexts as well as various administrative cultures of programming and implementation of the SF and CF. Presumably, they may demonstrate practices of promotion of, for example, gender equality, which will be different from that of the EU15. Furthermore, EU12 countries faced substantial challenges in integrating the SF and CF requirements into their legal, administrative, and budgetary structures. Some fundamental principles of the Funds have been rather new to many of these states (e.g. multi-annual programming), and this is even more apparent regarding the integration of gender equality, non-discrimination and accessibility for the disabled. Therefore, the experiences developed by EU15 countries over a rather long period

of time may be of very high relevance to the states which have more recently-acceded.

Table 9 shows the number of OPs adopted in the EU15 and EU12.

Table 9. The No. of OPs in the EU15 and the EU12 Member States*

	EU15	**EU12**	**Total**
Number	167	71	238
Percentage	70,2	29,8	100

Source: PPMI, based on official data from the EC
*Territorial co-operation programmes are excluded, as they may encompass both the EU15 and the EU12 MS at the same time.

Contextual balance: types of welfare regimes

Different types of welfare regimes characteristically suggest certain public policy choices, for example, the choice of a means-tested or needs-tested approach to state benefits. In fact, the type of welfare state may influence the extent to which national governments are concerned about gender, non-discrimination, accessibility for disabled persons in the first place. Furthermore, this also may have an impact on what measures are usually undertaken.

Typically welfare regimes are divided into three categories, based on inherent values of public policy and typical patterns of welfare provision:

- the Nordic model (universalist, needs-tested policies, emphasis on equality, high taxes and public spending on welfare);
- the Anglo-Saxon model (selective, means-tested policies aimed at the poor);
- the Continental model (welfare services provided by other institutions than the state)[110].

For the purposes of this study a more detailed categorisation, using Bent Greve's model, is implemented. Greve's categorisation was created based on cluster analysis of European states, including the new Member States, often absent from welfare state typologies or declared "mixed" types without further specification. The author treats Eastern Europe "as a single block due to its recent transition, with the Baltic States being seen as one group, as they have the lowest level of spending on social protection"[111]. The authors of this Inception Report have placed Bulgaria and Romania separately in the South-East European group; they are both absent from Greve's typology, This grouping is the most logical as the welfare regimes in these two countries are not particularly similar to either the East European or the South European block). All in all, this Report refers to the following categories of welfare states:

- The Nordic model: Denmark, Finland, Sweden;
- The Atlantic (Anglo-Saxon) model: Ireland, The United Kingdom;

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[110] The classical typology can be found, among others, in Gøsta Esping-Andersen (1990). *The Three Worlds of Welfare Capitalism*, Cambridge: Polity Press.
[111] Bent Greve (2007). "What Characterise the Nordic Welfare State Model." *Journal of Social Sciences*, 3(2): 43-51, p. 49.

- The Central European (Continental) model: Germany, Austria, France, Belgium, Netherlands, Luxembourg;
- The Southern European model: Greece, Italy, Spain, Portugal, Cyprus, Malta;
- The Eastern European model: Czech Republic, Poland, Hungary, Slovakia, Slovenia;
- The Baltic model: Estonia, Latvia, Lithuania;
- The South-East model: Romania, Bulgaria[112].

Table 10 indicates the number of OPs in each type of the welfare state.

Table 10. The distribution of OPs in various types of welfare states*

Type of welfare state	No. of OPs	Percentage
Nordic model	14	5,9
Atlantic (Anglo-Saxon) model	18	7,6
Central European (continental) model	67	28,2
Southern European model	70	29,4
Eastern European model	55	23,1
Baltic model	6	2,5
South-East model	8	3,4
Total	238	100

Source: PPMI, based on official data from the EC
*Territorial co-operation programmes are excluded, as they may encompass various welfare regimes at the same time

2.1.2. Selection of OPs for review

The starting point for the selection of the 50 OPs is that in terms of the four criteria the final sample should adequately represent all 308 programmes. *Firstly*, the distribution of programmes in terms of objectives and the national/regional criterion is determined (because these criteria concern all the programmes directly). Table 11 summarises the distribution of all the OPs based on these criteria. Table 12 suggests the corresponding distribution of OPs within the sample of 50 programmes.

Table 11. The total No. of OPs according to the objectives and national/ regional dimension

	Conver-gence	Competiti-veness	Convergence and Competiti-veness*	Territorial Co-operation	Total (row percent)
National/ sectoral	45	2	7	0	54 (17,5)
Regional	70	111	3	0	184 (59,7)
Territorial Co-operation	0	0	0	70	70 (22,7)

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[112] Ibid.

Total (column percent)	115 (37,3)	113 (36,7)	10 (3,2)	70 (22,7)	308 (100)

Source: PPMI, based on official data from the EC
* The programme falls within the framework laid out for the Convergence and Regional Competitiveness and Employment Objectives

As the first step in defining the sample for the 50 OPs, all the OPs are distributed proportionally according to their objectives and national – regional criteria. Next, bearing in mind that only 2 programmes are national/sectoral under the Competitiveness objective, both of them were allocated to the sample. In total, 10 programmes fall within the framework laid out for the Convergence and Competitiveness objectives, 1 of them was allocated to the sample. This allowed distributing in the sample the remaining national/sectoral and regional OPs for the Convergence and Competitiveness objectives.

Table 12. The sample of selection for OPs according to objectives and national/ regional dimension

	Convergence	Competiti-veness	Convergence and Competitive-ness*	Territorial Co-operation	Total (row percent)
National-sectoral	9	1	1	0	11 (22)
Regional	11	18	0	0	29 (58)
Multi-regional	0	0	0	10	10 (20)
Total (column percent)	20 (40)	19 (38)	1 (2)	10 (20)	50 (100)

Source: PPMI
* The programme falls within the framework laid out for the Convergence and Regional Competitiveness and Employment Objectives

Secondly, the programmes which are being implemented within a single MS have been distributed according to the criteria of EU15-EU12 and welfare regimes (see Table 13).

Table 13. OPs implemented within a single MS in terms of types of welfare state and timing of becoming a member of the EU

Timing of member-ship	Welfare regimes	Convergence objective		Competitiveness objective		Convergence and Competitiveness		Total (row percent)
		National/ sectoral	Regional	National/ sectoral	Regional	National/ sectoral	Regio nal	
EU15	**Nordic model**	0	0	1	13	0	0	14 (5,9)
	Atlantic (Anglo-Saxon) model	0	3	0	15	0	0	18 (7,6)
	Central European (continental) model	1	12	1	52	0	1	67 (28,2)

EU12*								
	Southern European model*	11	25	0	28	4	2	70 (29,4)
	Eastern European model	19	30	0	3	3	0	55 (23,1)
	Baltic model	6	0	0	0	0	0	6 (2,5)
	South-East model	8	0	0	0	0	0	8 (3,4)
Total (column percent)		45 (18,9)	70 (29,4)	2 (0,8)	111 (46,6)	7 (2,9)	3 (1,2)	238 (100)

Source: PPMI, based on official data from the EC
* Two "new" MSs belong to the Southern European model Cyprus and Malta.

Forty programmes implemented within a single MS are to be selected for analysis (the remaining 10 will be cross-border or trans-national and implemented in a number of different MS, as Table 12 indicates). The following steps have been undertaken in order to complete the selection. First of all, the number of programmes for each of the welfare model was determined. This was done on the proportional basis, with one qualification: at least one OP from each MS has to be represented[113]. Therefore the No. of OPs from the Baltic and South-East models (3 and 2 respectively) is higher than it would have been on a strictly proportional basis. Secondly, the OPs were allocated taking into account the distribution of OPs in terms of objectives and national-regional balance as set in Table 12 (e.g. all 2 national/sectoral programmes under the Competitiveness objective are to be selected). Finally, the number of OPs in the sample was determined aiming for a broadly proportional distribution (see Table 14). When the No. of OPs within a specific cell (e.g. Anglo-Saxon model/ Convergence objective/ regional) was small, an attempt was made to have at least one OP in the sample. This was done based on the assumption that the larger the variety of OPs, the more likely that some interesting (and perhaps unique) practices in integrating the principles of equal opportunities will be identified.

Table 14. The sample of selection for OPs according to welfare model and timing of membership

Timing of member-ship	Welfare models	Convergence objective		Competitiveness objective		Convergence and Competitiveness		Total (row percent)
		National/ sectoral	Regional	National/ sectoral	Regional	National/ sectoral	Regional	
EU15	Nordic model	0	0	1	2	0	0	3
	Atlantic (Anglo-Saxon) model	0	1	0	2	0	0	3
	Central Europea	0	3	0	7	0	0	10

[113] With an exception of Luxembourg and Malta

EU12*	n (continental) model							
	Southern European model*	1	3	0	5	1	0	10
	Eastern European model	3	4	0	2	0	0	9
	Baltic model	3	0	0	0	0	0	3
	South-East model	2	0	0	0	0	0	2
Total (column percent)		9	11	1	18	1	0	40

Source: PPMI
* Two EU12 MSs belong to the Southern European model Cyprus and Malta.

Based on the above-discussed criteria, a number of different samples is possible. The final selection was made applying an expert judgement and following discussions with various interested parties in the Steering Group of this study. The list of the selected OPs is presented in Appendix 1.

2.1.3. Review of the programmes

The Tender Specifications set the following requirement for the review of the programmes:

> the purpose of the review is to examine the extent to which Article 16 is reflected in the programmes and the management and implementation systems which have been put in place since programme approval

The review of the OPs will be carried out using a standardized checklist, i.e. similar for all the programmes (see Appendix 2). It will primarily be based on desk-research. The *actual texts of OPs* will be subject to a reviewing procedure carried out in three stages:
- pilot review/testing;
- actual review of the OPs;
- revision of the acquired information/collection of supplementing information.

The checklist will address all stages of policy implementation, from programme design to implementation. In essence, the questions in the checklist follow from the research questions presented in Chapter 1 (the literature review). The experts from the team will be assigned a certain number of OPs and will use the checklist to conduct the review.

Importantly, before *the actual review* of all the programmes will be undertaken, the contractor will carry out a *pilot review* of the

programmes and will test the checklist. Two programmes will be reviewed and their checklists will be filled in; detailed comments will be also provided. The checklist of the reviewed OPs (and supporting text, if necessary) will be provided to all the experts in the team in order to develop a common understanding of review criteria. Based on this testing (and comments received from the experts), some questions in the checklist may be modified (e.g. if some of them will be found insufficiently clear or subject to an overly varied interpretation).

The information acquired during the actual review of the OPs will be subject to careful **examination and revision**. As a result any given checklist of an OP may be returned for additional review, if information provided in it appears incomplete or incoherent.

The review will be supplemented by a short e-mail based interview with representatives of Managing Authorities of the 50 OPs. The major question to be asked is what efforts were undertaken in order to implement the Article 16.

The review will be used for a number of purposes. *Firstly,* it will provide insights to the overall conclusions and recommendations of the study (see description of Task 4). It will be useful for assessing the extent to which Article 16 is reflected in the OPs (and their management and implementation systems) and identifying good practices. Importantly, the review of documents will give only limited insights into such policy stages as project selection and reporting, therefore more detailed case studies will be undertaken. *Finally,* the review will provide a basis for selecting OPs for the 15 case studies (see description of Task 3).

2.2. Methodology for the Task 3: Case study – good practice examples

2.2.1 Selection of OPs for 15 case studies

As indicated above, the review of 50 OPs will directly contribute to the selection of the sample of 15 case studies to be further examined in order to identify and describe in more detail good practices. The tender specification sets the following aim for the case studies:

> understanding more deeply the influence of Article 16 requirements on the various stages of implementation.

The 15 cases for the case study phase will be selected based on the review information, provided in the checklists (Appendix 2). In essence, the programmes which have most of the assessments '1' or '2' will be chosen for the case studies; i.e. where Article 16 dimensions have 'obviously' been taken into account or have been 'somewhat' taken into account respectively, according to the criteria provided in the checklist.

In making the final decision, an attempt will be made to ensure that the cases studies will adequately cover the Cohesion policy objectives (Convergence, Competitiveness, Territorial cooperation). Furthermore, two additional filters will be used:

(a) the cases should be spread according to the three dimensions of Article 16 (gender equality, non-discrimination, and accessibility for disabled persons);

(b) the totality of cases should adequately cover all key policy stages, based on the assumption that some cases to be studied may be expected to offer most of good practice examples in policy design, some – in programme implementation, yet others - in monitoring and evaluation.

2.2.2. Conducting the good practice studies

The Tender Specifications note that:

> the case study reports should focus on how Article 16 has been translated at the various stages of implementation. They should highlight and analyse good practices across different policy fields.

The case studies will be carried out using a standardized study structure (framework) and questions (provided in the Appendix 3). This will ensure that the findings may be aggregated and compared across the programmes. The case studies will be carried *out **in three stages.***

Stage 1: ***a pilot case study*** will be conducted in order to test the questionnaire, to assess the available information sources and to identify the most useful methods. The pilot study will be distributed to all the project experts to seek their input on its structure, format, contents, and process. Based on the pilot study, the questions will be adjusted, the standard structure of the case study will be finalised, and the practical guidelines for conducting the case studies provided.

Stage 2: ***desk-research type screening of the 14 case studies***. Various methods and data sources will be used:

- statistical data (if available) on the situation of the target groups and the extent to which they benefit from EU funding;
- desk research/ content analysis of available official documents (in addition to those used for the OP review). These documents will include (but will not be limited to) descriptions of management and implementation systems, ex-ante evaluations, project selection criteria adopted by the monitoring committees, various other national legislation and guidance documents applicable to the implementation of OPs, monitoring reports, annual implementation reports;
- desk research / content analysis of documents, articles and websites related to a specific OP and projects funded from this OP.

Stage 3: *semi-structured interviews and on-the-site visits to discuss issues and findings achieved during the earlier stages*. In total, at least 60 interviews with the key stakeholders (approx. four for each programme) will be carried out. The key stakeholders include:

- representatives from the Managing Authorities;
- representatives from the Intermediate bodies;
- representatives of the most important NGOs dealing with the issues of gender, non-discrimination, accessibility for disabled persons;
- representatives of the projects, which received the EU support.

Various interview methods will be used, including phone, e-mail, *Skype*, and face-to-face interviews. Some on-the-site visits to the actual regions and EU-supported projects will be carried out. The on-the-site visits will be used to identify, discuss and understand the most interesting, innovative and, potentially the most useful good practice examples. The interview questions will depend on the interviewee, his/her position and experience. However, indicatively the most important questions to ask are:

- Why was one or another approach undertaken to address the dimensions listed in Article 16? (in terms of objectives, measures, indicators, implementation arrangements)? What is the intervention logic, why should this approach work?
- Are there any previous initiatives (including those financed from the EU funds during the previous periods), which were successful in addressing the issues of gender equality, non-discrimination, and accessibility for disabled persons? To what extent have these initiatives been taken into account in the design and implementation of the OP?
- How effective is the policy approach undertaken in the OP proving to be? Are there any substantial results which have already been achieved? How are the progress and results measured?
- How is the general provision to promote equal opportunities, accessibility for disabled persons, and avoid discrimination actually translated from the OP level to various implementing documents and projects on the ground? Are Article 16 dimensions addressed genuinely, or does a more formal approach prevail?
- What are the most active, vocal and influential organisations representing the disadvantaged groups? To what extent are these groups included into the partnership, monitoring, management process? What rights and responsibilities do these groups have in this process? How active, effective and influential they are? Is the cooperation between these groups and authorities based on constructive dialogue or confrontation? If there is any common understanding worth speaking about, how this was achieved?

The case studies will address each of the stages of project implementation, will supplement the information obtained during the review stage and lead to describing specific good practices. Some of the questions for the case studies may overlap with the ones tackled in carrying out the OP reviews. This will benefit the

study and will allow building on the information obtained during the review in order to undertake a more extensive analysis.

The case study questions are designed so that during the later stage of the study, they will be reframed into a self-assessment guide, which could be used to check if Article 16 is sufficiently taken into account (see the description of Task 4).

2.3. Methodology for Task 4: Conclusions and Recommendations

The description of this task mirrors the preliminary structure of the Final report. The report will consist of a systematic analysis of the findings from the previous tasks, conclusions and recommendations, description of the good practice examples and a self-assessment guide.

2.3.1. Analysis of the findings

In this section the findings from the review of 50 OPs and case studies will be summarised. The systematic analysis of the sample will enable it to be established whether there are any important differences between groups of programmes, e.g.:
- different SF objectives;
- national/ sectoral and regional programmes;
- EU15 and EU12;
- welfare regimes.

In addition, the analysis will be differentiated according to:
- the three dimensions of Article 16 (gender equality, non-discrimination and accessibility for disabled persons);
- stages of policy implementation (programming, project selection, implementation, monitoring, evaluation, partnership);
- types of intervention (direct support to business, development of endogenous potential, investment in infrastructure).

The report will identify the key characteristics of operational programmes which were successful in effectively integrating each of the dimensions of Article 16. The policy process, which led to this success will also be discussed; for example, were partners included? Was there a management? Was there comprehensive monitoring?.

2.3.2. Conclusions and Recommendations

In this section the overall judgement will be provided regarding the extent to which the provisions of Article 16 were translated into cohesion policy programmes. This judgement will differentiate between the three dimensions of Article 16, policy stages and types of intervention.

The recommendations will focus on the measures which could be taken to improve the integration of Article 16 into cohesion policy programmes at the different stages of implementation. The recommendations will be addressed to the Member States and the Commission.

2.3.3. Good Practice Examples

This part of our conclusions will identify the key structural features of the selected good practice examples, based on the information provided in the case studies. The analysis of good practice examples will show which approach is the most common in good-practice OPs and seen as the most effective in dealing with the inclusion of the three dimensions in the OPs financed from the ERDF and Cohesion fund.

The case studies themselves will be provided in the separate Appendix of the Final report. A separate Appendix will be devoted to a structured summary description of good practices identified in the Final report. This description will consist of the following parts:

- contextual information (OP, MS, objective, etc.);
- dimension (gender equality, non-discrimination, accessibility for disabled persons);
- stage of policy implementation (programme design, project selection, financial implementation, reporting, monitoring, evaluation and partnership);
- the choice/ practice;
- explanation: why this practice might be useful for other countries and other OPs.

2.3.4. Self Assessment Guide

The questions of check-lists provided in the Appendix 2 and Appendix 3 of this report will lead to the creating a template for a self-assessment guide. This guide will take a form of a comprehensive checklist (with relevant examples) and will be attached as an Appendix to the Final report. The guide could be used by programme authorities for:

a) assessing the extent to which the provisions of Article 16 are reflected in the design and implementation arrangements of their own OPs;
b) getting to know better the practices used in various OPs for integrating the provisions of Article 16;
c) applying some of these practices during the various stages of implementation of their OPs in order to pursue better the principles of gender equality, non-discrimination, accessibility for the disabled.

3. WORK ORGANISATION

This Chapter of the Inception report discusses the work organisation, and consists of two main parts: overall coordination of the project (including allocation of man-days among experts and an indicative time-schedule) and risk management/ quality control.

3.1. Overall coordination of the assignment and reporting (Task A)

The *Evaluation Team* for this project is composed of
- the core team (consisting of the experts playing a key role in execution of this evaluation) and
- the pool of experts (consisting of the experts mainly used for the review of OPs and case studies).

The **core team** includes the project director (senior expert) (also in charge of a quality control), three senior experts, and two junior experts. Responsibility for the overall coordination, management services and reporting is shared by two PPMI senior experts, Haroldas Brožaitis and Egidijus Barcevičius, who have performed similar tasks in the past for a number of national and international projects (involving international teams). They are supported by Lina Kraučiūnienė and Daiva Repečkaitė (PPMI junior experts), to ensure effective implementation of both technical and administrative tasks. In addition, Kaisa Lähteenmäki-Smith (senior expert, Net Effect) and Philippe Le Guen (senior expert, Racine) will contribute to the overall coordination by reviewing and commenting on most deliverables of the project (for example, OP checklist, case study guidelines, the project reports, etc.) and by providing their expertise in ensuring adequate quality of the outputs.

The **pool of experts** consists of 8 additional experts. These experts will be specifically in charge of reviewing the OPs and preparation of the case studies (Task 2.2 and Task 3) according to their language capacities (see Table 16 for indicative allocation of man-days among experts). The final allocation of the man-days will be known in the later stages of the project, when the final list of the selected OPs and the cases for a detailed analysis will be approved by the Commission. PPMI, Net Effect and Racine each feature wide networks of external international experts; if there is a need additional experts may be proposed to be approved in accordance with contractual provisions.

The study will be carried out by an international group of experts. This provides an important opportunity in that the members of the Evaluation Team have a variety of expertise in analysing the issues of gender equality, non-discrimination, accessibility for disabled persons and giving policy recommendations in these fields. Therefore a deliberate effort will be made to *deepen the analysis through interaction of members of the team* in all partner organisations, i.e.:

- the core team consists not only of PPMI experts, but also the representatives of other partner organisations are included;
- pilot reviews and case studies will be carried out. All the experts will be invited to comment and provide suggestions in finalising the checklists, questionnaires, output structure;
- one of the members of the core team (Mr. Egidijus Barcevičius) will be in constant contact with each and every of the participating experts. The issues of both contents as well as process of study will be discussed. All the solutions for improvement and optimisation will be readily communicated to all the other experts.

The overall organisational of the assignment is structured according to the Tasks, provided in the Tender Specifications. For management purposes the Tasks A (overall co-ordination, reporting and quality control) and Task 0 (development of methodology) were added. All the Tasks are listed in Table 15.

Table 15. The tasks of the assignment

Task No.	Project tasks and sub-tasks	Chapter in the methodology description
TASK A	Overall coordination, reporting (inc. meetings) and quality control	3.1
TASK 0	Development of research methodology	2
TASK 1	Desk research and literature review	1
TASK 2.1	Selection of 50 Programmes for review	2.1.2
TASK 2.2	Review of Programmes	2.1.3
TASK 3	Case Study - Good Practice examples	2.2.2.
TASK 4	Conclusions and Recommendations	2.3
TASK 4.1	Analysis of the findings	2.3.1
TASK 4.2	Conclusions and Recommendations	2.3.2
TASK 4.3	Good Practice Examples	2.3.3
TASK 4.4	Self Assessment Guide	2.3.4

It is expected that the assignment will be undertaken over the period of 9 months (starting from a kick-off meeting, which took place on 15 January 2009).

Regular reports will be provided and meetings will take place to ensure an adequate progress in implementing the tasks. The project reports are the main deliverables of the project. The main project reports, i.e. the Inception report, the Intermediate report and the draft Final report, will be discussed at the Steering Group meetings. The dates for submission of the reports as well as project meetings are shown in Table 17 and Table 18.

The discussion of this **Inception report** in the Steering Group meeting is planned on 19 February 2009. After the submission of the Inception report, the monthly **Progress reports** will be produced every month (i.e. by 15 March 2009, 15 April 2009, 15 June 2009, 15 August 2009). Progress Reports will not be submitted when the Intermediate and (Draft) Final reports are due. The Progress reports (about 2 pages) will provide brief information on implementation of the activities and tasks foreseen in the work plan. Also an overview of the key issues and risks will be provided.

The **Intermediate report** will be submitted on 15 May 2009. This report will provide the final findings of Task 1; the results of Task 2 (review of the 50 OPs) and the list of cases to be studied as good practice examples (for Task 3). The Intermediate report will be discussed during the Steering Group meeting on 28 May 2009.

The **Draft Final report** will include the case studies (Task 3) and preliminary conclusions and recommendations (Task 4). The submission of the draft **Final report** is foreseen by 15 July 2009 and its discussion at the Steering Group meeting is planned for 30 July 2009. The Final report will be presented on 15 September 2009. It will be followed by **two presentations** to the Member States and the Commission in Brussels. The timetable of the meetings will be finalised after the delivery of the Final report.

Additional progress meetings with the Evaluation Unit of DG REGIO may be organised if necessary. It is estimated that overall 36 man-days will be used for the co-ordination tasks (including meetings and reports).

3.2. Task 0 – Development of the research methodology

The detailed methodology related to each of the tasks is described in Chapter 2 of this Report. The methodology was elaborated on the basis of the ideas provided in the research proposal. Also, the methodological questions were discussed during the kick-off meeting with the DG REGIO Evaluation Unit (15 January 2009).

3.3. Task 1 - Desk research and literature review

The initial literature review was presented in the study proposal. During the inception period desk research was conducted and the literature review was extended and deepened (also taking account of what was agreed during the kick-off meeting). The text of the review is provided in the Chapter 1 of this Report. This exercise allowed developing the research questions which will be addressed during the later stages of the study. After the discussions in the Steering Group meeting on 19 February the literature review will be developed further to take the comments into account. In total the implementation of Task 0 and Task 1 will take 21 man-days (see Table 16).

3.4. Task 2 - Review of the 50 OPs

Four criteria were used to select the 50 OPs for review, as described in the Chapter 2.1.2. The OPs are to be reviewed according to the checklist provided in the Appendix 2. Before this, a pilot review will be carried out in order to test and to finalise the checklist. A very short e-mail survey with the Managing Authorities of the 50 programmes will also be carried out. The implementation of Task 2 will take 38 man-days (see Table 16). The results of the review will be presented in the Intermediate report. This report will also recommend cases for a detailed analysis of good practices (see description of Task 3).

Table 16. Indicative allocation of man-days among project experts and project tasks

Task No.	Project tasks and sub-tasks	The core team / main experts (man-days)						Pool of experts (man-days)								Sub-total man-days per task	Total man-days per task
		PPMI				Net Effect	Racine	PPMI	Net Effect		Racine				Ind. expert		
		HB	EB	LK	DR	KLS	PhLG	ZM	PU	NH	VDG	MS	CK	DD	ThG		
TASK 0	**Development of Research Methodology**	2	1		1											4	21
TASK 1	**Desk Research and Literature Review**	2	7	2	4	1	1									17	
TASK 2.1	**Selection of 50 Programmes for review**	1	1		1	0,5	0,5									4	9
2.1.i.	OP review checklist and a list of selected OPs	1	1		1	1	1									5	
TASK 2.2	**Review of Programmes**																
2.2.i.	Review template finalisation and pilot testing	1	2	1	1											5	29
2.2.ii.	Review of selected OPs	*(Days to be allocated when the final selection of OPs will be agreed)*														24	
TASK 3	**Case Study - Good Practice Examples**																
3.i.	Identification of the case studies	1	1			0,5	0,5									3	80
3.ii.	Development of case study guidelines and pilot testing	1	4	1	1											7	
3.iii.	Detailed case studies	*(Days to be allocated depending on the case studies selected)*														70	
TASK 4	**Conclusions and Recommendations**																
TASK 4.1	**Analysis of the findings**	1	2		1											4	19
TASK 4.2	**Conclusions and Recommendations**	2	2	1		1	1									7	
TASK 4.3	**Good Practice Examples**	1	1			1	1									4	
TASK 4.4	**Self Assessment Guide**	1	1			1	1									4	
TASK A	**Overall coordination, reporting (inc. meetings) and quality control**	9	10	9	2	3	3									36	36
Total per expert		23	33	14	12	9	9									194	194

Legend					
HB	Haroldas BROŽAITIS (PPMI)	**PU**	Petri UUSIKYLÄ (Net Effect)	**MS**	Marcela SCARON (Racine)
EB	Egidijus BARCEVIČIUS (PPMI)	**KLS**	Kaisa LÄHTEENMÄKI-SMITH (Net Effect)	**CK**	Clarisse KRASA (Racine)
ZM	Žilvinas MARTINAITIS (PPMI)	**NH**	Nina von HERTZEN (Net Effect)	**DD**	David DUVAL (Racine)
LK	Lina KRAUČIŪNIENĖ (PPMI)	**PhLG**	Philippe LE GUEN (Racine)	**ThG**	Theodor GRASSOS (Independent expert)
DR	Daiva REPEČKAITĖ (PPMI)	**VDG**	Victoria DONLEVY GOMES (Racine)		

Table 17. Project activities, key deliverables and their timing

Project deliverables, activities	Timing
Kick-off meeting with the Evaluation Unit of DG REGIO	15 January 2008
Inception Report (Deliverable 1)	13 February 2009
Meeting with Steering Group to present and discuss the Inception Report	19 February 2009
Monthly Progress Report (Deliverable 2)	15 March 2009 15 April 2009 15 June 2009 15 August 2009
Intermediate Report (Deliverable 3)	15 May 2009
Meeting with Steering Group to present and discuss the Intermediate Report	28 May 2009
Draft Final Report (Deliverable 4)	15 July 2009
Meeting with Steering Group to present and discuss the Draft Final Report	30 July 2009
Final Report (Deliverable 5)	15 September 2009
Two meetings and presentations (Deliverable 6)	*The timetable will be set-up after the delivery of the Final Report*
Other progress meetings with the Evaluation Unit of DG REGIO	*To be agreed if necessary*

3.5. Task 3 – Case studies of good practice examples

Based on the results of the 50 OPs, 15 cases will be selected for in-depth analysis. The analysis will be carried out using the structure and questions presented in Appendix 3. As the first step, a pilot case study will be undertaken to test the questions and the structure and to provide detailed guidelines to all the experts who will be carrying out the case studies.

The specific case studies will be allocated to individual experts (on a language basis). The studies will be carried out combining desk research with interviews (at least 60 interviews in total/ on average 4 per study). The results of the case studies will be included in the Final report. It is foreseen that 80 man-days will be necessary to carry-out the case studies (see Table 16). The results of the case studies will be presented in the Final report.

Table 18. Indicative detailed work schedule

Task No.	Project tasks and sub-tasks	2009																																
		January		February				March				April				May				June				July				August				September		
		3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	n/a
TASK 0	Development of Research methodology	M																																
TASK 1	Desk Research and Literature review																																	
TASK 2.1	Selection of 50 Programmes for review				R	M																												
2.1.i.	OP review checklist and a list of selected OPs																																	
TASK 2.2	Review of Programmes																																	
2.2.i.	Review template finalisation and pilot testing																																	
2.2.ii.	Review of selected OPs																																	
TASK 3	Case Study - Good Practice examples																																	
3.i.	Identification of the case studies																	R	M															
3.ii.	Development of case study guidelines and pilot testing																																	
3.iii.	Detailed case studies																																	
TASK 4	Conclusions and Recommendations																									R	M					R	M	
TASK 4.1	Analysis of the findings																																	
TASK 4.2	Conclusions and Recommendations																																	
TASK 4.3	Good Practice Examples																																	
TASK 4.4	Self Assessment Guide																																	
TASK A-B	Overall coordination and reporting (inc. meetings)	KoM		IncR	SG			PR				PR				IntR	SG			PR				dFR	SG			PR				FR		FP/M

Legend		
M	Meetings	Kick-off meeting (KoM), Steering Group meetings (SG), Final presentation and final meetings (FP/M)
R	Reports	Inception report (IncR - deliverable 1), Intermediate report (IntR - deliverable 3), Progress reports (PR - deliverable 2), Draft Final report (dFR - deliverable 4), Final report (FR - deliverable 5)

3.6. Task 4 – Conclusions and recommendations

Finally, the conclusions and recommendations will be developed. They will consist of a comparative analysis of the studies findings, overall conclusions and recommendations. The good practices will be described using a standard form and structure. Finally, based on the questionnaires and checklists used for the study, a self-assessment guide will be developed. This guide will be addressed to MS authorities willing to take better Article 16 into account in designing and implementing their cohesion policy programmes. 19 man-days days are allocated to this final stage. Its results will be provided in the Final report.

It is foreseen that 194 man-days in total will be necessary to carry-out the overall assignment (see Table 16).

3.7. Risk management and quality control

Project director Mr. Haroldas Brožaitis will have overall responsibility for quality control and risk management. Quality management measures will be undertaken both at the level of inputs and outputs. Concerning the inputs, pilot actions will be carried out and formal and informal guidelines for experts (both the core team and a pool of experts) will be prepared and communicated regularly by the PPMI. Mr. Egidijus Barcevičius (senior expert) will be responsible for maintaining regular contacts with the experts, discussing the methodological issues and making sure that the concepts mentioned in the evaluation are used in a comparable way. The experts will also be encouraged to share their questions, information and experiences.

As for the outputs, Mr. Haroldas Brožaitis together with senior representatives of Net Effect (Ms. Kaisa Lähteenmäki-Smith) and RACINE (Mr. Philippe le Guen) will form a quality management team: they will review the deliverables (OP checklist, case study structure and questions, project reports) before submitting them to the Commission and will take the final responsibility for the quality. All in all, the quality control will address all stages of the study: planning, piloting and execution. The main project reports, i.e. the Inception report, the Intermediate report and the Final report, will be edited by a native English speaker.

An important pillar of our quality assurance strategy is close communication with the client. This will be ensured through regular Steering Group meetings (see Table 17 and Table 18) and regular contacts via e-mail/ phone whenever necessary. Additional progress meetings with the Evaluation Unit of DG REGIO will be organised if necessary.

Some important risks are to be taken into account while implementing the project. Risk management measures will be implemented in order to ensure that the key deliverables are produced in time and are of good quality. The most important risks are indicated in the Table 19.

Table 19. Risks and risk management measures

Risk	Risk management measures
Difficulties in accessing relevant stakeholders during the case studies.	Early planning, interviews with stakeholders in their own languages, letter of DG Regio to the Managing Authorities asking them to cooperate with the researchers.
Some documents from CEE countries not available in languages of the team.	Assistance will be provided by the PPMI partners' network in the CEE countries.
Co-ordination of multi-national and multi-language team.	EU-wide as well as regional co-ordination (specific persons will be responsible for concrete regions and countries). Mailing lists, guidance papers to provide information to all the experts. Specific progress benchmarks agreed with all the experts, updated regularly.
Ensuring consistency of OPs' reviews and case studies conducted by experts with various backgrounds.	Standardized checklists for assessment of the OPs. Pilot reviews of the OPs and case studies to be followed by the core team. Peer reviews and joint discussions regarding the pilot exercises. Quality control and consistency of all project deliverables.
Part of the assignment will be implemented in summer, which is vocation time for many stakeholders.	Early planning, early contacts with potential interviewees.

APPENDIX 1: OPERATIONAL PROGRAMMES SELECTED FOR REVIEW

Programmes operating within a single country

Member State	CCI No	Title	Objective	National/ sectoral or regional	Welfare regime
1. Austria	2007AT162PO002	Operational Programme 'Upper Austria'	Regional Competitiveness and Employment	Regional	Continental
2. Austria	2007AT162PO007	Operational Programme 'Styria'	Regional Competitiveness and Employment	Regional	Continental
3. Belgium	2007BE161PO001	Operational Programme 'Wallonia (Hainaut)'	Convergence	Regional	Continental
4. Bulgaria	2007BG161PO001	Operational Programme 'Regional Development'	Convergence	National	Southeastern European
5. Cyprus	2007CY16UPO001	Operational Programme 'Sustainable Development and Competitiveness'	Convergence/ Regional Competitiveness and Employment	National	Southern European
6. Czech Republic	2007CZ162PO001	Operational Programme 'Prague'	Regional Competitiveness and Employment	Regional	Eastern European
7. Czech Republic	2007CZ161PO002	Operational Programme 'Central Moravia'	Convergence	Regional	Eastern European
8. Denmark	2007DK162PO001	Operational Programme 'Innovation and Knowledge'	Regional Competitiveness and Employment	National	Nordic
9. Estonia	2007EE161PO002	Operational Programme 'Development of Living Environment'	Convergence	National	Baltic
10. Finland	2007FI162PO004	Operational Programme 'Southern Finland'	Regional Competitiveness and Employment	Regional	Nordic
11. France	2007FR162PO008	Operational Programme 'Champagne Ardenne'	Regional Competitiveness and	Regional	Continental

			Employment		
12. France	2007FR162PO016	Operational Programme 'Loire'	Regional Competitiveness and Employment	Regional	Continental
13. France	2007FR162PO022	Operational Programme 'Rhone-Alpes'	Regional Competitiveness and Employment	Regional	Continental
14. Germany	2007DE161PO001	Operational Programme 'Thüringen'	Convergence	Regional	Continental
15. Germany	2007DE161PO004	Operational Programme 'Saxony'	Convergence	Regional	Continental
16. Germany	2007DE162PO007	Operational Programme 'North Rhine-Westphalia'	Regional Competitiveness and Employment	Regional	Continental
17. Greece	2007GR161PO002	Operational Programme 'Digital Convergence'	Convergence	National	Southern European
18. Greece	2007GR161PO006	Operational Programme 'Attica'	Convergence	Regional	Southern European
19. Hungary	2007HU162PO001	Operational Programme 'Central Hungary'	Regional Competitiveness and Employment	Regional	Eastern European
20. Hungary	2007HU161PO004	Operational Programme 'South Great Plain'	Convergence	Regional	Eastern European
21. Ireland	2007IE162PO001	Operational Programme 'Border, Midland and Western (BMW)'	Regional Competitiveness and Employment	Regional	Anglo-Saxon
22. Italy	2007IT162PO010	Operational Programme 'Trento'	Regional Competitiveness and Employment	Regional	Southern European
23. Italy	2007IT161PO011	Operational Programme 'Sicily'	Convergence	Regional	Southern European
24. Italy	2007IT162PO012	Operational Programme 'Tuscany'	Regional Competitiveness and Employment	Regional	Southern European
25. Lithuania	2007LT161PO001	Operational Programme 'Promotion of Cohesion'	Convergence	National	Baltic
26. Latvia	2007LV161PO001	Operational Programme 'Entrepreneurship and Innovation'	Convergence	National	Baltic
27. Netherlands	2007NL162PO002	Operational Programme 'West Netherlands'	Regional Competitiveness and Employment	Regional	Continental
28. Poland	2007PL161PO002	Operational Programme 'Infrastructure and	Convergence	National	Eastern European

		Environment'			
29. Poland	2007PL161PO005	Operational Programme 'Lower Silesia'	Convergence	Regional	Eastern European
30. Poland	2007PL161PO020	Operational Programme 'Warminsko-Mazurskie'	Convergence	Regional	Eastern European
31. Portugal	2007PT162PO001	Operational Programme 'Lisbon'	Regional Competitiveness and Employment	Regional	Southern European
32. Portugal	2007PT161PO005	Operational Programme 'Algarve'	Convergence	Regional	Southern European
33. Romania	2007RO161PO002	Operational Programme 'Increase of Economic Competitiveness'	Convergence	National	Southeastern European
34. Slovakia	2007SK161PO005	Operational Programme 'Health'	Convergence	National	Eastern European
35. Slovenia	2007SI161PO001	Operational Programme 'Strengthening Regional Development Potentials'	Convergence	National	Eastern European
36. Spain	2007ES162PO001	Operational Programme 'Cantabria'	Regional Competitiveness and Employment	Regional	Southern European
37. Spain	2007ES162PO008	Operational Programme 'Aragon'	Regional Competitiveness and Employment	Regional	Southern European
38. Sweden	2007SE162PO005	Operational Programme 'Stockholm'	Regional Competitiveness and Employment	Regional	Nordic
39. United Kingdom	2007UK161PO002	Operational Programme 'West Wales and the Valleys'	Convergence	Regional	Anglo-Saxon
40. United Kingdom	2007UK162PO008	Operational Programme 'North West England'	Regional Competitiveness and Employment	Regional	Anglo-Saxon

Cross-border OPs under the Territorial Cooperation objective

CCI No	Title	Participating MSs
2007CB163PO005	Operational Programme 'Spain - Portugal'	Spain, Portugal
2007CB163PO011	Operational Programme 'Poland - Germany'	Poland, Germany
2007CB163PO016	Operational Programme 'Sweden - Norway'	Sweden, Norway
2007CB163PO030	Operational Programme 'Slovakia - Czech Republic'	Slovakia, the Czech Republic
2007CB163PO037	Operational Programme 'Italy - Malta'	Italy, Malta
2007CB163PO044	Operational Programme 'North West Europe (NWE)'	Belgium, Germany, Ireland, France, Luxembourg, Netherlands, United Kingdom
2007CB163PO049	Operational Programme 'United Kingdom - Ireland'	United Kingdom, Ireland
2007CB163PO053	Operational Programme 'Slovenia - Hungary'	Slovenia, Hungary
2007CB163PO059	Operational Programme 'Greece - Bulgaria'	Greece, Bulgaria
2007CB163PO063	Operational Programme 'Belgium - France'	Belgium, France
2007CB163PO069	Operational Programme 'South East Europe (SEE)'	Austria, Bulgaria, Greece, Hungary, Italy, Romania, Slovakia, Slovenia

APPENDIX 2. CHECKLIST FOR REVIEW OF OPERATIONAL PROGRAMMES

2.1. Administrative information on the OP and type of intervention

Administrative information

For OPs operating within a single MS
(pre-filled)

CCI No	Member State	Title	Objective	National/ sectoral or regional	Welfare regime

For cross-border or transnational OPs
(pre-filled)

CCI No	Title	Objective	Participating MSs

Type of intervention

Please, indicate the main types of intervention and activities supported by the OP (tick the boxes)

Types of intervention	Activities
Productive investment (primarily – direct aid to SMEs' investments)	R&D, innovation, adoption and use of ICT, new product development Sustainable development, tourism and culture services Other
Development of endogenous potential (services to enterprises, development of financing instruments, networking and co-operations)	Services to businesses Development of funding sources Networking between businesses Other
Investment in infrastructure	Transport Environment Energy Information society Education and science Tourism and culture Health and social infrastructure Other

2.2. The checklist for review

The column **Criterion**

Provides the list of assessment criteria.

The column **Explanation, examples**

This column is to ensure a better common understanding between experts on each of the criteria.

This column is not intended to give a definite list of examples. It is not based on assumption, that "very good" means that all of the indicated aspects are taken into consideration. One aspect, yet addressed in a comprehensive or innovative fashion, may provide a basis for an assessment of "1" (see below). Moreover, the reviewers are encouraged to look for examples, different from the ones mentioned in the text. This way it is possible that practices, which have not yet been universally known and acknowledged, will be identified.

The column **Assessment and comments**

Please assess on the scale 1 to 3 if the OPs under review takes a specific criterion into account:
1 = yes, obviously (explicitly or implicitly);
2 = yes, somewhat (explicitly or implicitly);
3 = no.

Please indicate in the brackets, which of the dimensions of Article 16 do you refer to in the assessment, using the following abbreviations:
GE = gender equality
AD = accessibility for disabled persons
ND = non-discrimination

For example, 1GE, means that in terms of the criterion concerned (say, 1.1) gender equality is very well addressed.

Please, explain in more detail, why a particular assessment was given (especially, if assessed 1).

Criterion	Explanation, examples	Assessment and comments
1. Programme design		
1.1. Does the context analysis clearly present the main challenges and needs concerning equality between men and women, accessibility for disabled people and non-discrimination?	E.g. it would be indicative if in the context analysis the target groups relevant for the study were clearly identified and/ or defined. Also, it would be useful if statistical data regarding these groups was present, trends defined, previous public policy initiatives assessed.	
1.2. Does the SWOT analysis mention or take into account gender equality, non-discrimination, accessibility for disabled people?	E.g. are gender, non-discrimination, accessibility explicitly or implicitly acknowledged in the SWOT analysis? Implicit acknowledgement may mean a strong emphasis given to social issues, societal integration issues, etc.	
1.3. Is there a clear emphasis on either gender, non-discrimination or accessibility in	E.g. in the description of priority axes, the three dimensions of Article 16 may be integrated into the general goals of the programme or formulated specifically	

defining the priority axes?	Does the (eventual) priority related to social infrastructure (priority themes 75 to 79) include specific provisions for gender equality and/or non-discrimination?	
1.4. Are the three dimensions of Article 16 taken into account while formulating specific programme objectives?	E.g., are there any specific objectives related directly to gender, non-discrimination or accessibility?	
1.5. Are there any specific approaches or measures identified, which will be used to address the issues related to gender, non-discrimination, accessibility?	E.g., the strategy may lean towards more active measures, aimed at promoting one or all of Article 16 dimensions. Alternatively, a more "negative" or rights-based approach may be undertaken, with the underlying view that discrimination is to be avoided in all circumstances.	
1.6. Are there any references to relevant national law programmes/strategies/policy documents, earlier public policy initiatives addressing the issues of gender, non-discrimination, accessibility?	The inclusion of the principle of gender equality and non-discrimination in the Council Regulation creates a legal obligation for MSs. However, Article 16 leaves space for discretion and interpretation. The Member States are obliged to take appropriate steps which mean that they should pursue the obligations steaming from Article 16 in accordance with the national law. Also, it would be useful to have indications that the EU support complements and strengthen ongoing national programmes and strategies (especially the ones which have already demonstrated success). Continuity from the previous periods of assistance may also be indicative of good practices.	
1.7. Were 2000-2006 good practices (from the "father" OP and/or from other OPs) taken into account in the final formulation of the OP?		
1.8. Are there any indicators envisaged for inputs and outputs, which would relate to gender, non-discrimination, accessibility?	E.g., are disaggregated indicators available, such as the number of jobs created/secured, number of SME's receiving assistance, participation in relevant trainings (disaggregated by gender, age, minority membership, etc). Beyond strategic indicators per priority that reflect Art. 16 issues, are there	

	baseline, context and/or socioeconomic indicators that will be monitored (without specific final targets) in the context of these issues?	
1.9. Any intentions to use the cross-financing option for better addressing the issues of gender, non-discrimination, accessibility.	In 2007-2013 ESF-type investments may be included in ERDF projects (up to a limit of 10 percent) and *vice versa*. It is important to understand if the OPs took advantage of this opportunity in order to address the better the issues of gender, non-discrimination, accessibility.	
1.10. Are there any information and publicity measures aimed at the disadvantaged groups?		
1.11. If an ex-ante evaluation was carried out for this OP, was its assessment of the aspects of gender, non-discrimination and accessibility taken into account and transferred to the final text of the OP?		
2. Project selection		
2.1. Are any indications that gender, non-discrimination, accessibility will be addressed in selecting projects for assistance? If so, which of these dimensions is chosen/ prioritised?	The OPs will not necessarily provide a lot of details on the project selection criteria and the process of selection. However, from what is provided in the text, are there references for a scoring system for projects with different levels of integration of gender equality, non-discrimination, accessibility? Are the criteria related the three themes made compulsory and/or used to prioritise operations? This criteria will be studied in more detail in the case studies, as OPs are likely to provide only very limited information.	
3. Financial management		
3.1 Are there any institutions or management bodies indentified which should be explicitly or implicitly in charge of monitoring the how Article 16 (or its separate	E.g. the Managing Authority may have an overall responsibility for taking care of gender equality, non-discrimination, accessibility. Alternatively, some other implementing institutions, inter-institutional or individual bodies may be in charge.	

dimensions) are taken into account?		
3.2. Are there any special implementation arrangements foreseen, which would relate to the promotion of gender equality, non-discrimination, accessibility?	E.g., specific global grants given to institutions dealing with gender, disability or discrimination matters.	
3.3. Are there provisions for special budgeting measures aiming to improve the situation of the groups mentioned in Article 16?	E.g., estimations on financial allocations having impact on different groups such as share of the allocations to support women entrepreneurs.	
4. Monitoring		
4.1. Are there specific indicators for monitoring the impact on the groups mentioned in Article 16?	Indicators may be present at the levels of outputs, results, impacts. Here we check not only the indicators listed in the programme description, but also the indicators actually used for the ongoing monitoring. This criteria will be studied in more detail in the case studies, as OPs are likely to provide only very limited information.	
4.2. Are there special arrangements to monitor the integration of equality between men and women, accessibility for disabled persons and non-discrimination?	Special bodies for such monitoring may be assigned. Civil society representatives may be involved in various monitoring arrangements (such as Monitoring Committees). They may be given observer status or even voting rights.	
5. Evaluation		
5.1. In the description of the evaluation system, are the arrangements for evaluating the progress in gender equality, accessibility for disabled persons and non-discrimination included?	Such description may be more or less detailed, and not in all cases any arrangements concerning the three themes will be mentioned. Yet to the extent they are mentioned, are there any provisions for evaluation of implementation of the dimensions mentioned in Article 16? This criteria will be studied in more detail in the case studies, as OPs are likely to provide only very limited information.	

6. Reporting		
Do the OP Monitoring Provisions include any specific requirements on reporting implementation of the Article 16?	MS are obliged to provide information on effects on gender equality in the annual reports (as appropriate in terms of the national law). However, they could add some more specific Monitoring provisions on their own initiative. This criteria will be studied in more detail in the case studies, as OPs are likely to provide only very limited information.	
7. Partnership		
7.1. Were representatives of NGOs (representing gender, discriminated groups) present in the programme design stage?	From what is written in the description of partnership, how much influence the partners are likely to have had to the actual contents of the OPs?	
7.2. Are there any specific, long-term institutional arrangements for ensuring sustainable partnership throughout all stages of policy implementation?	Are there any indications in the OP that would provide for a genuine (as opposed to a formal) partnership process? The level of involvement of partners may vary from observer status to active membership and even voting rights. How representative is the partnership process (i.e., not always the most active and vocal groups are included)? This criteria will be studied in more detail in the case studies, as OPs are likely to provide only very limited information.	

APPENDIX 3. CASE-STUDY STRUCTURE (FRAMEWORK) AND QUESTIONS TO BE ANSWERED

INTRODUCTION *(0.5-1 page)*

- Aims of the case study;
- Short context: main goals of the OP, level of funding, what has been achieved so far;
- The target groups for interventions to be discussed in the case study;
- Types of intervention to be discussed in the case study;
- Methodology: main sources of information and methods used to carry out the case study.

PROGRAMME DESIGN (PROGRAMMING)   *To what extent the three themes are reflected?* *(2-3 pages)*

- What are the most-pressing issues related to gender, non-discrimination, accessibility for disabled persons in the country? To what extent are these issues addressed in the context analysis provided in the OPs and related documents? Are all the grounds for discrimination, as listed in Article 16, recognised in the OP?
- To what extent are gender equality, non-discrimination and accessibility for disabled persons are reflected in the strategy: the priority axes, specific objectives? What ways for addressing them are suggested? Why this particular approach was chosen?
- What practices are used to improve the access to funds for the disadvantaged groups? Ensuring accessibility for disabled persons?
- Does the strategy lean towards the holistic (or mainstreaming) approach (i.e. the three themes taken into account in all priorities, all areas)? Or, alternatively, is the targeting method undertaken (specific measures aimed to specific groups in specific sectors)? Are the disadvantaged groups (mentioned in Article 16) direct beneficiaries (e.g. business support schemes for the discriminated) or final beneficiaries (e.g. infrastructure and services are being developed, which take the needs of the disadvantaged into account). Another possibility is the rights-based approach, stressing that discrimination has to be avoided in all circumstances, but no active measures to promote equality or equal opportunities are foreseen.
- Are there any situations identified concerning multiple, intersecting, conflicting or overlapping identities of the discriminated persons? How these situations are addressed?
- To what extent does the strategy refers to the legislative framework of the MSs and takes appropriate steps in integrating Article 16?;
- To what extent does the strategy builds on earlier (successful) initiatives addressing gender equality, non-discrimination and accessibility for disabled persons (among them – financed from EU funds during the previous periods)? To what extent does the strategy complement national legislation, strategies and programmes in this area? Is there any evidence that earlier

Community initiatives (such as Equal, Urban, Interreg) provided useful lessons, which are now integrated in the OPs?

- To what extent does the strategy intend to use the possibility for cross-financing to address the issues of gender equality, non-discrimination and accessibility for disabled persons?
- What indicators are/ will be used to quantify the objectives and to assess the outcomes/impacts of the projects? Are there any indicators referring to, specifically, gender equality, non-discrimination and accessibility for disabled persons? Are some or all indicators disaggregated to reflect gender equality, non-discrimination and accessibility for disabled persons? E.g. is data on percentage of ethnic minorities/disadvantaged groups benefiting from SME grants/loans available?
- What measures of risk management are present? Are there any risks related of relevance to implementation of Article 16? How are they to be addressed?
- What publicity actions are used to inform all the stakeholders on the importance of gender equality, non-discrimination and accessibility for disabled persons and invite them to take these issues into account? Are there any publicity initiatives which are specifically targeted to improve access to funds to discriminated groups? Are there any indications as to how effective these measures were?
- Does the ex-ante evaluation carried out for this OP make an explicit reference to Article 16? To what extent its assessment regarding integration of the aspects of gender, non-discrimination and accessibility taken into account and reflected in the final text of the OP? Was a gender impact assessment carried out?

PROGRAMME IMPLEMENTATION
To what extent the three themes are taken into account? *(2-3 pages)*

Project selection

- To what extent is gender equality, non-discrimination or disability taken into account at the project selection phase? Which among these dimensions is prioritised?
- Does the project selection procedure support active measures in the fields which are relevant to the study? (e.g. the projects selected must include effective measures to integrate gender perspective)? Alternatively, a negative approach may be undertaken (the project which does not ensure accessibility to vulnerable groups has a significant disadvantage in the selection process). Are the criteria for addressing the three themes compulsory to all the initiatives or to some selective initiatives? What was the reasoning behind decision to follow one or another model?

Financial management

- Are there any programme implementation arrangements allowing for a better integration of gender equality, non-discrimination and accessibility for disabled persons? How are the official bodies and NGOs dealing with the target groups of Article 16 included into the overall management structure? How strong an influence do they have?
- How is the inclusion of gender equality, non-discrimination and accessibility for disabled persons into specific EU-funded projects administered? For example, are there any guidelines provided for agencies, contractors, beneficiaries? Are these guidelines actually followed?
- To what extent is the possibility for cross-financing used to address issues, which are important from the perspective of Article 16?

- What share of EU funding is assigned for the implementation of the measures relevant to gender equality, non-discrimination and accessibility for disabled persons?
- Are there specific budgeting measures used, requested or recommended at the project or programme level in order promote gender equality, prevent discrimination and improve accessibility for disabled persons?

Partnership

- To what extent are the disadvantaged groups (mentioned in Article 16), including stakeholders and potential beneficiaries consulted during different stages of implementation? Which groups are included and when? How representative are these groups/ organisations? How the consultation process is carried out? What status do these groups/organisations have: observer status, voting rights?
- To what extent are the partnership arrangements institutionalised and sustainable throughout all stages of programme implementation? What influence does the partnership process have on actual design and implementation of the programme?

MONITORING AND EVALUATION
To what extent the implementation of the three themes is monitored? *(2-3 pages)*

Monitoring

- Are the any monitoring arrangements where the progress in promoting gender equality, preventing discrimination and improving accessibility for disabled persons is discussed? Are these groups represented in these arrangements? What influence does this monitoring process have on the actual design and implementation of the OP?
- What monitoring indicators were chosen? To what extent do these indicators allow assessing the benefits received by the groups mentioned in Article 16? Do these indicators provide a basis for monitoring the actual changes in the situation of these groups? Are there any indicators, which take account of the opinion of various groups (as final beneficiaries) in the process of programme implementation?

Evaluation

- How are promotion of gender equality, prevention of discrimination and accessibility for disabled persons represented in the description of evaluation system and evaluation plan (if one exists)? What are the plans to evaluate these dimensions as a part of ongoing/ad-hoc evaluations?
- What evaluations of promotion of gender equality, prevention of discrimination and accessibility for disabled have actually been carried out? What were their conclusions regarding the inclusion of these issues into the programme design and other stages of implementation?
- What methodological guidance is used in evaluating the integration of the three dimensions of Article 16? Are the evaluations actually used by the authorities (for policy making) and the wider public (for policy advocacy)?

Reporting

- Is the promotion of gender equality, the prevention of discrimination and accessibility for the disabled to be reported at the: (1) project level (i.e. project reports submitted by the final beneficiaries); (2) OP level (annual implementation reports the managing authorities submitted to the EC)?

- Do the beneficiaries and the authorities feel that they have a clear guidance on how the three dimensions of Article 16 are to be integrated in their reports?

CONCLUSIONS AND SUGGESTIONS REGARDING THE GOOD PRACTICES *(up to 4 pages)*

- Overall conclusions, comparison across the dimensions of Article 16 and project stages;
- Does Article 16 have an impact at different stages of the policy process? If so which ones and why?
- Is there a different emphasis on the themes (gender equality, non-discrimination and disability) and does this differ at different stages of implementation?
- Description of the identified good practices:

Dimension of Article 16 (gender equality, non-discrimination, accessibility for disabled persons)	Implementation stage	Description of the example	Justification – why it is a good practice