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THIRD MEETING OF THE STRUCTURED DIALOGUE WITH EUROPEAN STRUCTURAL AND INVESTMENT FUNDS' PARTNERS GROUP OF EXPERTS

17 November 2015 - Minutes

This was the third meeting of the Structured Dialogue with European Structural and Investment Funds' Partners Group of Experts under the 2014-2020 programming period.

The dialogue addressed the following points:

- 1) New ESIF SD members*
- 2) State of play of negotiations regarding ESIF programmes for 2014-2020*
- 3) High Level Group on Simplification*
- 4) Ad hoc meeting of ESF and FEAD Managing Authorities in response to the refugee crisis*
- 5) Exchange of views on mainstreaming of the horizontal principles as laid down in the Common Provisions Regulation (climate and environment protection, gender equality, inclusion of disabled persons and fight against discrimination based on sex, racial or ethnic origin, religion or belief, age or sexual orientation)*

As announced at the previous meeting of the Structured Dialogue, and based on a previous call for suggestions by ESIF SD members, the meeting was largely dedicated to a wider debate on the mainstreaming of the horizontal principles set up in articles 7 and 8 of the Common Provisions Regulation.

Several ESIF SD members advised in favour of a more long-term planning for the group's activities, both in terms of substance (discussion topics) and process (setting-up and communicating in advance the dates of future ESIF SD meetings). The Commission welcomed this suggestion and invited members to forward early enough to the Commission their suggestions and proposals concerning subjects to be discussed at future ESIF SD meetings.

1. NEW ESIF SD MEMBERS

The European Commission welcomed the new members of the Structured Dialogue, selected following the call for proposals announced during the previous meeting and subsequently opened¹. The organisations selected following the call are:

1. BAE (Business Angels Europe), who previously attended the SD meetings as an observer
2. BEUC (European Consumer Organisation)
3. BirdLife Europe
4. EAPB (European Association of Public Banks and Funding Agencies)
5. ECOLISE (European network for community-led initiatives on climate change and sustainability)
6. ELARD (European Leader Association for Rural Development)
7. EUFRAS (European Forum for Agricultural and Rural Advisory Services)
8. EuroHealthNet
9. IFOAM (International Federation of Organic Agriculture Movements – EU Regional Group)
10. L.I.F.E Platform (Low Impact Fishers of Europe)
11. MOT (Mission Opérationnelle Transfrontalière)

The Structured Dialogue now counts 63 members and one observer². Apart from these, the Commission has also invited as observer the Chair of the Civil Dialogue Group on Rural Development. Representatives of the staff of the Committee of the Regions and of the European Economic and Social Committee have also been invited.

2. STATE OF PLAY OF NEGOTIATIONS REGARDING ESIF PROGRAMMES FOR 2014-2020

The Commission (each of the four ESIF DGs) presented the state of play of the negotiations with Member States with regard to ESIF programmes for 2014-2020.

At the date of the meeting, only one **Investment for Growth and Jobs programme** remained to be adopted (Campania Italy Regional OP, adoption foreseen in early December). The adoption of **ETC programmes** will continue until the end of the year (75% have already been adopted at the date of the meeting). Also, 22 **Rural Development programmes** (RDPs) and 8 **European Maritime and Fisheries Fund (EMFF) programmes** still need to be adopted.

¹ http://ec.europa.eu/regional_policy/en/newsroom/news/2015/07/now-open-call-for-experts-structured-dialogue-under-esi-funds-deadline-14-september-2015

² <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3226&NewSearch=1&NewSearch=1>

As announced at the previous ESIF SD meeting, 187 programmes will be supported by the **European Social Fund (ESF)** under the programming period 2014-2020 with 95 mono-fund and 92 multi-fund programmes. All the ESF programmes have been submitted (with 2 YEI programmes and 34 programmes supporting the YEI). 150 programmes have already been adopted (including 32 supporting the YEI). The 37 remaining ESF programmes will all be adopted after the MFF revision. This concerns Spain, Italy, Czech Republic, United Kingdom, Sweden and Hungary.

Furthermore, DG EMPL informed ESIF SD members about a recently-launched survey on the implementation of the partnership principle in ESF programmes, in particular in the framework of the Monitoring Committees.

DG EMPL also took the opportunity to inform members of the setting up of a Thematic Network on Partnership. The network will bring together ESIF Managing Authorities and Intermediate Bodies, to reflect more deeply on partnership issues and challenges, and share experience, ideas and creative solutions for improving partnership practice. Using the European Code of Conduct on Partnership as the framework for its work, attention will be given to both common partnership challenges and the specific needs and concerns of MAs in the diverse contexts in which they work. The network will involve wider stakeholders, partnership researchers and experts, and offer interesting opportunities for MAs to enhance their capacity as partnership facilitators or brokers through access to new ideas, tools and methodologies. The focus areas for the network will be determined by its members. Possible themes for exploration include:

- Strengthening stakeholder ownership by better identifying and selecting more diverse categories of partners; ensuring appropriate stakeholder engagement during different programme phases; and strengthening the institutional capacity of partners.
- Deepening programme accountability by improving transparency and responsiveness to stakeholders.
- Promoting an enabling environment for partnership by improving monitoring and evaluation processes, sharing information more systematically and mainstreaming partnership across multiple levels.

For further information on joining the network, members have been invited to contact directly Ms. Leda Stott, the thematic expert responsible for the network (lstott@telefonica.net). The kick-off meeting of the Thematic Network on Partnership was held on 23-24 November 2015.

Following these updates, questions were raised by BirdLife, CAAC, CCRN, CEMR, COGECA, CPMR, EAPN, EDF, ELARD, EuroHealthNet, Eurochild, Eurocities, EWL, EYF, FSG, UEAPME, as well as the CoR and EESC representatives and the Chairman of the AGRI Civil Dialogue on Rural Development, Mr. Pascher.

The questions regarded in particular the involvement of partners in the Monitoring Committee (deemed as currently unsatisfactory) and the need for the Commission to intervene to address this issue. The Commission (DG REGIO) will look into this.

A number of ESIF SD members expressed their interest to join the thematic network on partnership and requested further details about its scope and mandate, as well as the remit of the other thematic networks set up as part of the EU-Level Platform on Transnational Cooperation. The Commission (DG EMPL) explained that there are 10 thematic networks foreseen as part of this initiative, most focusing on the ESF. However, the partnership one could go beyond that so as to encompass partnership in the framework of all ESI Funds.

Other questions or requests for clarification concerned what happened if certain programmes are not adopted by the end of 2015 (in theory all programmes must be adopted by the end of 2015; if this will prove impossible, carry-over procedures would be put in place), the activity of DG AGRI and DG MARE expert groups related to ESIF (both DGs provided the requested updates, underlining that the information is also publicly available on their website), the need to involve the ESIF SD in ongoing debates such as the MFF revision (the Commission confirmed that the ESIF SD is an important forum for discussion) and the state of play of DG REGIO's study on the implementation of the partnership principle (this will be finalised at the beginning of 2016; the final report will be forwarded to ESIF SD members and the findings will be presented at the next ESIF SD meeting).

CEMR also briefly presented the main findings of its recent study on the implementation of the partnership principle (October 2015)³, showing that the local level is being often overlooked at all stages. Another CEMR study on the use of the Integrated Territorial Investments⁴ reveals that despite the creation of this tool, most of the plans are exclusively targeting urban areas, and that most programmes are targeting urban areas. The Commission confirmed that more needs to be done in this area, in particular through capacity-building actions, as also emphasized in its Non-paper assessing the implementation of the reform in the programming for cohesion policy 2014-2020⁵.

3. HIGH LEVEL GROUP OF INDEPENDENT EXPERTS ON MONITORING SIMPLIFICATION FOR BENEFICIARIES OF THE ESI FUNDS

The Commission (DG REGIO) updated members on the work of the High Level Group (HLG), set up in July 2015⁶. The role of the group is to advise the Commission on the simplification and reduction of administrative burden for beneficiaries of the Funds.

The group consists of 12 members appointed in a personal capacity and is being chaired by Siim Kallas, former EU commissioner in the Barroso Commission, and an ex-Prime Minister and finance minister of Estonia. The group met for the first time on 20 October 2015, focusing on identifying barriers in the way of simplification, both from the perspective of the EU institutions and that of the other stakeholders.

Eight meetings are foreseen for the duration of the mandate of the group (i.e. until the beginning of 2018), each focusing on a specific topic: e-governance and simplified costs; access to funding for SMEs and financial instruments; gold plating; results of study on simplification and cross-cutting audit issues, post-2020 period, new territorial tools such as CLLD and ITI. The group will issue a Final Report at the end of its mandate but will also produce conclusions and recommendations after each meeting so that the work of the group can impact on the 2014-2020 period.

The Commission has also established an online platform for discussion on simplification for the ESI Funds. The Simplify ESIF platform⁷ allows all stakeholders to share experiences, present ideas, engage with other stakeholders, and help the Commission reach a more effective and efficient management of the funds.

Following the presentation, remarks were made by CPMR, COGECA, EASPD, EDF, Eurochild, Eurocities, EWL, EYF, REVES, Social Platform, UEAPME and the EESC representative. The remarks regarded in particular the (sometimes) disproportionate cost of reporting, the issue of gold-

³ http://www.ccre.org/img/uploads/piecesjointe/filename/CEMR_study_partnership_principle_study_EN.pdf

⁴ http://www.ccre.org/img/uploads/piecesjointe/filename/CEMR_Study_ITI_EN.pdf

⁵ http://www.europarl.europa.eu/meetdocs/2014_2019/documents/regi/dv/implementationeffectivenesscp /implementationeffectivenesscp_en.pdf

⁶ http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/high-level-group-simplification/#1

⁷ <https://ec.europa.eu/futurium/en/simplify-esif>

plating, the need to revise state aid rules, the difficulties related to public procurement rules, the impact on not-for-profit actors and NGOs, difficulties in accessing multi-funded projects (for instance those encountered by disabled persons in accessing projects co-financed by ESF and ERDF), the lack of transparency in selecting projects, the need to address specifically youth unemployment through the ESF as well as to better involve youth organisations in the implementation of programmes,, the need to complement the web platform with other tools in order to effectively mobilise relevant stakeholders, the expected follow-up to the recommendations issued by the HLG (also pointing out towards Monitoring Committees as being best placed to translate into practice these recommendations). There was also general appreciation for the creation of the HLG, coupled with the request that its results are shared with the members of the Structured Dialogue.

The Commission encouraged ESIF SD members to submit their experiences and proposals via the Simplify ESIF platform. The Commission will also regularly update the ESIF SD on the work of the HLG.

4. AD HOC MEETING OF ESF AND FEAD MANAGING AUTHORITIES IN RESPONSE TO THE REFUGEE CRISIS

Further on, the Commission (DG EMPL) informed members of the results of the ad hoc meeting of European Social Fund (ESF) and Fund for European Aid to the Most Deprived (FEAD) Managing Authorities in response to the refugee crisis. The meeting was held on 25 September 2015, with the participation of Marianne Thyssen, the EU commissioner in charge of employment, social affairs, skills and labour mobility. The participants discussed how to better use the available FEAD and ESF resources to respond to the refugee crisis by optimising the impact of the social inclusion and labour market integration measures. The meeting also provided the opportunity to share best practices and expertise on providing assistance and fostering the integration of refugees into our societies and economies. A document detailing the support available to asylum seekers under ESF and FEAD had been distributed to members ahead of the meeting and has also been published on the group's webpage.

Commissioner Crețu also wrote a letter to all responsible ministers in EU Member States, stressing the possibilities for support under the ERDF as well as Commission's readiness to accept the modification of certain programmes if necessary.

Following the presentation, questions were raised by EAPN, EDF, ETUC and EWL. The questions regarded in particular the scope of FEAD, the issue of gold-plating of relevant rules and the need to keep in mind that there are still other disadvantaged groups that need as much support as refugees do. ETUC also signalled a particular situation in Slovenia, where ESF funding could not be used to keep running an info point dedicated to this issue (the info point has been consequently closed in September).

In its replies, the Commission explained that FEAD is available for immediate action, whereas the ESF is more appropriate for long-term integration; it also confirmed that gold-plating happens in particular at national level.

5. EXCHANGE OF VIEWS ON MAINSTREAMING OF THE HORIZONTAL PRINCIPLES AS LAID DOWN IN THE COMMON PROVISIONS REGULATION

The Commission (DG REGIO) started the debate with a general presentation on the horizontal principles, based on the preliminary findings of the ongoing study on the new provisions and the

internal analyses on ex-ante conditionalities included in the Common Provisions Regulation. The final results will be available at the beginning of 2016⁸.

These studies look into how the relevant CPR provisions (art. 7, 8, 19, as well as part two of Annex XI) have been implemented throughout the programming period.

The study on new provisions covers all Partnership Agreements and 292 programmes financed by the ERDF and the CF (including ESF multi-fund), as well as 75 ETC programmes.

The study has shown that the vast majority of MS plan to strengthen horizontal principles throughout the programme cycle. The horizontal priorities Member States were planning to promote are, by order of priority: sustainability (sustainable development, environmental protection, polluter pays principle) equality between men and women and the integration of gender perspective and non-discrimination. As to the breakdown of the category “non-discrimination”, the social groups most frequently referred to in programmes as a potential target group for non-discrimination action are women and disabled, followed by young and old people and the unemployed. Given recent events, the apparently low level of focus on migrants may indicate a need to revisit this aspect in programmes.

As regards the selection of target groups to be addressed as horizontal priority, the study revealed that when choosing targets in need of horizontal, anti-discrimination support, ESF co-financed programmes, as well as programmes in EU Member States having joined before 2004, more often included women and young people as target groups, than other kinds of programmes. Also, the EU Member States having joined after 2004 seem to be targeting minorities relatively more often. Finally ETC programmes address the unemployed more often than mainstream programmes.

The internal analyses on ex ante conditionalities cover all Partnership Agreements and 312 programmes (including ESF mono-fund programmes). Several ex ante conditionalities (ExAC) contribute to the promotion of horizontal principles, being applicable in all Member States:

- Art. 7 principles : General ExAC 1 (Anti-discrimination), General ExAC 2 (Gender), General ExAC 3 (Disability)

The analysis has shown a rather high level of fulfilment in comparison to other general ex ante conditionalities, with 18 Member States having entirely fulfilled all three of them. Action plans are however needed in 10 of these Members States (EE, EL, HR, HU, LV, PL, RO, and SK at national level, and in IT and UK at regional level).

- Art. 8 principles: General ExAC 6 (Environmental legislation)

The analysis has shown that this is the general ex ante conditionality with the highest degree of fulfilment: with 19 Member States having entirely fulfilled it. Action plans are however needed in 9 of these Member States (CY, CZ, HR, IT, LT, RO, SI, SK at national level and DE at regional level).

– **Environment protection and climate change**

Apart from the representatives of the four ESIF DGs, a representative of DG CLIMA also participated in the debate.

First, the Commission (DG MARE) presented the contribution of the European Maritime and Fisheries Fund to Natura 2000 and Marine Protected Areas during the 2014-2020 programming

⁸ http://ec.europa.eu/regional_policy/en/information/publications/studies/2014/studies-on-the-integration-of-new-regulatory-elements-in-the-programming-process

period. This was followed by a presentation by DG AGRI about climate action under the Common Agricultural Policy.

CEE Bankwatch then presented its rather critical findings regarding climate change mitigation mainstreaming in nine Central and Eastern European countries, i.e. Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia. The Commission noted however that the data used by Bankwatch to substantiate its findings seem not to be the latest ones and that the official data will soon be published on the EU Open Data Portal⁹. Furthermore, the Commission underlined the net improvements compared to the previous programming period, which is also (but not only) visible in the share of allocations for climate change actions (25%, beyond the political goal of 20%).

Following the presentations, questions were raised by BirdLife, CAAC, EDF, Energy Cities, EuroHealthNet and EWL. The questions regarded in particular the need for more consistency between various lines of action (e.g. climate change action, greening economy vs. fossil fuels or the possibility for CEE countries to increase their emissions), biodiversity tracking in the EMFF, use of the Prioritized Action Framework (PAFs) in the assessment of EMFF OPs by the Commission, percentage of EMFF funding allocated to TO3, gender mainstreaming under the EMFF and the EAFRD and the guidance provided by the Commission to Member States in respect of climate tracking.

In its replies, the Commission noted the limits set by the current regulatory framework (decarbonisation of the economy is addressed by obligatory targets, but these are not sector specific) as well as the shared management model (the reflection for post-2020 should in fact seek to determine the adequacy of shared management as a tool for climate change action in the EU). On climate tracking, the Commission confirmed that guidance to Member States does exist since the beginning of 2014¹⁰. The methodology for biodiversity tracking in the EMFF is similar to the one used for tracking expenditure on climate related objectives. PAFs were widely used by the COM in the assessment of EMFF OPs. Information available from EMFF OPs (adopted and non-adopted) show 39% of EMF funding allocated to TO3.

The Commission has also been active in empowering women farmers, for instance by putting in place possibilities for support through the Leader programme.

Finally, the Commission informed ESIF SD members about the Council conclusions on the contribution of the ESIF to the shift towards a low-carbon economy, adopted on 18 November 2015.

- **Fundamental Rights: gender equality, inclusion of disabled persons, fight against discrimination based on sex, racial or ethnic origin, religion or belief, age or sexual orientation**

Apart from the representatives of the four ESIF DGs, a representative of DG JUST was also present.

Two presentations – one by the European Disability Forum and the other by the Social Platform – served as a starting point to the debate on the mainstreaming of the fundamental rights principles, in particular on non-discrimination and accessibility of disabled persons. First, the European Disability Forum presented its views on the way the horizontal principles concerning non-discrimination based on disability and accessibility to persons with disabilities could be incorporated and implemented in the projects financed through ESIF. The Social Platform went on to present the

⁹ <https://open-data.europa.eu>

¹⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0215>

existing framework for the prevention of discrimination based on various grounds, complemented with concrete examples of how this has been translated into practice in several Member States.

The European Women Lobby also touched on the gender equality aspect, explaining that gender mainstreaming is a transformative tool in the fight against gender stereotypes and should be more than a box-ticking exercise. Objective indicators should be identified to that effect and although steps have been made in that direction, efforts remain uncoordinated and under-funded. This has led to an erosion of gender equality and even a backlash on women rights in isolated cases. To counter this, gender mainstreaming should be more under the focus of Monitoring Committees. Looking forward, clear legal obligations should be set up in this respect. The European Women Lobby also informed that it currently prepares a report on gender mainstreaming, due in March 2016.

Following the presentations, questions were raised by COGECA, EAPN, ENIL, EuroHealthNet, and FSG. The questions regarded in particular the role played by the Commission throughout the implementation phase, in particular to make sure that the actions foreseen in the documents become reality. EAPN also informed about the results of a recent questionnaire it had addressed to its national members about the implementation of the horizontal principles; there is a perceived improvement compared to the previous years, at least concerning the participation of NGOs in the Monitoring Committees. ELARD underlined the need for better coordination between partners – and more active involvement – at local level.

In its replies, the Commission confirmed that it was closely monitoring the fulfilment of all ex-ante conditionalities, including the three general ones, as well as the implementation of the partnership principle. Furthermore, article 48 of the CPR lays down legally binding provisions on the composition of Monitoring Committees, including the need to include representatives of all categories of partners defined in article 5 CPR.

Commission (DG JUST) also informed members that the results of the 2015 Eurobarometer on discrimination on the EU have recently been released¹¹. An analysis and comparative review of equality data collection practices in the EU is also underway. An updated version of the European Handbook on Equality Data¹², taking into account the findings, will be released by the Q3 2016

At the end of the mainstreaming debate the Commission concluded that, on the positive side, a lot of Member States seem to understand the issue. There are however challenges, related in particular to the persistent effects of the economic crisis, the unfolding refugees and migrants crisis, as well as the perception of a growing terrorism threat on EU soil – all of which will shape the environment we are working in for years to come.

On its side, the Commission will continue to follow the implementation of the horizontal principles in the framework of Monitoring Committees as well as through the action plans for the fulfilment of the general ex ante conditionalities. Partners should also raise this within the Monitoring Committees, whenever there is an issue. The Commission also recalled that Member States' auditors are bound to check that these principles are complied with, therefore if irregularities exist these will be identified.

On the management of available knowledge on this topic, the Commission informed members that information related to the implementation of the horizontal principles will also be made available on the EU Open Data Platform¹³.

¹¹ http://open-data.europa.eu/en/data/dataset/S2077_83_4_437_ENG

¹² The current version is available here: <http://bookshop.europa.eu/en/european-handbook-on-equality-data-pbKE7606381/>

¹³ <http://open-data.europa.eu/en/>

The Commission closed the meeting by thanking participants for the quality of the dialogue. The chair informed members that following organisational changes in DG REGIO, the relations with the civil society, including the Structured Dialogue, have passed under the remit of a newly formed unit. This unit is in charge of political and inter-institutional coordination and reports directly to the Director General. The Structured Dialogue meetings will therefore be chaired from now on by the head of the newly created unit.

The **meeting material** is available on the InfoRegio website:

http://ec.europa.eu/regional_policy/en/policy/communication/structured-dialogue-with-partners/#1

The **minutes** will be forwarded to the European Parliament and the Council in order to fulfil the requirement of Article 5(6) of the CPR. They will also be forwarded for information to the European Economic and Social Committee and the Committee of the Regions.

The 4th and 5th Structured Dialogue meetings should take place in **April and November 2016** respectively. Precise dates will be communicated to ESIF SD members in due time. Members are encouraged to forward well in advance suggestions for discussion topics that should be included on the agenda of future Structured Dialogue meetings.

Annex
List of Participants

Nr. crt.	Organisation
Experts from external organisations	
1.	Arco Latino
2.	BEUC – European Consumer Organisation
3.	BirdLife Europe
4.	Business Angels Europe
5.	BUSINESSEUROPE
6.	CAAC – Conference Of Atlantic Arc Cities
7.	CAN Europe – Climate Action Network
8.	CCRN – CAPITAL CITIES AND REGIONS NETWORK
9.	CECODHAS Housing Europe
10.	CEE Bankwatch Network
11.	CEMR – Council of European Municipalities and Regions
12.	COGECA
13.	COPA
14.	<i>Chairmanship of the Civil Dialogue Group on Rural Development (special observer)</i>
15.	CPMR - Conference of Peripheral Maritime Regions
16.	EAPB – European Association of Public Banks and Funding Agencies
17.	EAPN – European Anti-Poverty Network
18.	EARTO – European Association of Research and Technology Organisations
19.	EASPD – Social Services Europe
20.	ECAS – European Citizen Action Service
21.	ECOLISE – European Network for Community-led Initiatives on Climate Change and Sustainability
22.	EDF - European Disability Forum
23.	ELARD – European LEADER Association for Rural Development
24.	Energy Cities
25.	ENIL – European Network on Independent Living
26.	ENNA – European Network of National Civil Society Associations
27.	ENSIE – European Network of Social Integration Enterprises
28.	ERGO Network
29.	ETUC – European Trade Union Confederation
30.	EUA – European University Association
31.	Euclid Network
32.	EUFRAS –European Forum for Agricultural and Rural Advisory Services
33.	EURADA – the European Association of Development Agencies

Nr. crt.	Organisation
34.	EUROCITIES
35.	Eurochild
36.	EuroHealthNet
37.	European Youth Forum
38.	EWL - European Women's Lobby
39.	FUNDACIÓN SECRETARIADO GITANO
40.	IFOAM – International Federation of Organic Agriculture Movements (EU regional group)
41.	L.I.F.E. Platform – Low Impact Fishers of Europe
42.	PREPARE – Partnership for Rural Europe
43.	REVES – European Network of Cities and Regions for the Social Economy
44.	Social Platform
45.	UEAPME - European Association of Craft, Small and Medium-sized Enterprises
EU Institutions	
1.	European Commission (DG AGRI, DG CLIMA, DG EMPL, DG JUST, DG MARE and DG REGIO)
2.	Committee of the Regions
3.	European Economic and Social Committee