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Political and Inter-Institutional Coordination and Document Management

Minutes¹

Meeting of the 1st Dialogue with the Common Provisions Regulation partners Group of Experts

7 December 2020, by means of videoconference

I. APPROVAL OF THE AGENDA AND THE RULES OF PROCEDURE

Anna Wagner (Chair, DG REGIO) welcomed the partners for this first meeting of the new expert group, which will focus on the EU funds established by the new Common Provisions Regulation 2021-2027 (Regulation (EU) 2021/1060 of the European Parliament and of the Council, hereinafter called “the CPR”).

She presented the agenda, and the Rules of Procedure of the group of experts on the funds established by the CPR. Both points were adopted without any comment.

II. NATURE OF THE MEETING

The first meeting of the expert group was held by videoconference due to COVID circumstances, i.e. recorded but not web-streamed. Commissioner Elisa Ferreira made an opening statement centred on the 2021-2027 programming period, the partnership principle and the New European Bauhaus. This statement was followed by an exchange of views between the Commissioner and the partners. After this session, presentations were made by the Commission on the role and framework for partnership, including specific fora, i.e. the upcoming European Community of Practice on Partnership (ECoPP), Just Transition Platform, the state of play on programming and involvement of partners and the current developments on the Cohesion Open Data Platform. In the afternoon, the Commission organised interactive workshops (World Café format) to benefit from the knowledge and experience of partners on the application and use of the European Code of Conduct on Partnership. The participants were divided into four groups based on four guiding questions relating to sustainability, growth, urban/rural dichotomy and disadvantaged communities. The groups discussed these questions in the breakout rooms assigned to them via the online communication platform Teams. The members in each breakout room selected a rapporteur

¹ Participating organisations full name is included at the end of the document.

among themselves to summarise the issues raised, the debate and conclusions drawn during the plenary discussion.

III. LIST OF POINTS DISCUSSED

1. Exchange of views with the Commissioner for Cohesion and Reforms, Elisa Ferreira - Keynote Speech

Commissioner Elisa Ferreira welcomed the partners to the first dialogue of the new period with CPR partners. Highlighting the specificities of the current period, she pointed out to the recovery from COVID-19, digital revolution and transition to a green and carbon-neutral economy. In this respect, not only the challenges but also the opportunities to leave no region behind took place in her speech. Besides, she stated that it is essential to have good partners in times of crisis and recovery, underlining the unprecedented levels of investment.

The Commissioner said that cohesion policy was one of the first responders to the crisis, mobilising over 21 billion euros to invest in critical areas from health needs to business support and 50.6 billion euros of new investments under the REACT-EU programme. Although COVID-19 interfered with the timeline, partnership agreements and programmes are being prepared, initiating the new cohesion programmes essential for the digital and green transitions. She elaborated on the state of play with the partnership agreements with Greece, Austria and Germany (the three countries having submitted their partnership agreements formally), encouraging the partners to reach out to the national administrations to express the sense of urgency for the high-quality programming documents.

The Commissioner underscored the key role of partners for cohesion programmes through three examples. First, the direct involvement in the programmes through the European Code of Conduct on Partnership led to many lessons learned from the partners. In this respect, a balanced representation of partners had to be ensured in a transparent process in accordance with the Code. Besides, the new programmes would make it possible to empower the monitoring committees where the members would have more power in genuine forums for discussion. Second, she invited partners to join the European Community of Practice on Partnership and prepare the ground for revising the Code, if necessary. Finally, she urged partners to get involved in the New European Bauhaus for more sustainable, inclusive, and beautiful places and events. Therefore, she encouraged them to join the new round of New Bauhaus Prizes expected to take place in 2022, alongside 600 organisations that expressed interest by then.

ENIL claimed that the UN Convention on the Rights of Persons with Disabilities (UNCRPD) was not being appropriately implemented at national and EU level. The organisation underlined the need for proper and decent housing for persons with disabilities rather than segregated residential care, asking how this problem could be resolved, engaging civil society.

In her response, Commissioner Elisa Ferreira emphasized the contribution of cohesion policy to inclusive growth as well as to the desegregation of communities, migrants, and Roma people via the European Regional Development Fund (ERDF), the European Social Fund and European Social Fund+ (ESF and ESF+) and other funding schemes in accordance with the European Pillar Of Social Rights. Because there were different practices across each Member State, the Commission conducted a thorough investigation with regard to the use of the funds, housing, and segregation. In this respect, a case-based approach was adopted, depending on the structure of a family, specific complaints, and

disabilities. Each Member State was required to have a structured plan, ensuring a house- family- and community-based integration of disadvantaged communities. The Commissioner stated that the Porto Social Summit convened in May 2021 clarified the policy objectives, underlining that a social Europe is essential to the regional policy.

EU Roma Network acknowledged the efforts devoted to these issues by the Commission. The organisation indicated the persistence of segregated areas, villages and slums across Europe. While some Member States did not tackle this issue in line with the European standards, others suffered from the lack of investment. Therefore, EU Roma Network asked how to tackle this issue, incorporating it into the partnership agreements.

The Commissioner admitted that there were still communities living in unacceptable or insufficient conditions, depending on Member State. The funds were allocated but not necessarily spent because many communities did not have the administrative capacity to spend the funds. Therefore, she said, it was not simply about increasing the amount of the funds, but rather about improving the technical and administrative capacity, enabling the communities to use the funds appropriately. A bottom-up and place-based approach was required to add value, create a sense of community, and have a vision. In this respect, she claimed that it was necessary to avoid hypocrisy and ensure inclusion, preventing segregation of the Roma people.

CCRN stated that the wording and content of the CPR and the Recovery and Resilience Facility (RRF) were satisfactory in terms of the participation of local and regional authorities in the decision-making regarding EU funding schemes. However, the regulations are not enforced properly – there are serious shortcomings in this regard in the preparatory process of the RRFs. Member States fail to involve the local level. This view was shared by CEMR, which advocated that the problems relating to the partnership principle had arisen from very different practices between and within the countries. The ministries in charge of RRF probably suffered from a lack of experience dealing with stakeholders.

Instead of the implementation, SGI Europe and ETUC focused on the Code itself. In this respect, SGI Europe underlined the differences among the Member States in how social partners were involved in drafting the Code of Conduct, particularly referring to the difficulty of taking part in the dialogue. ETUC asserted that the Code of Conduct on partnership needed to be revised because it did not enable civil society to properly evaluate and control the operational programmes.

Against this backdrop, CCRN asked how the Commission could ensure that the regulations were implemented fully. As a follow-up question, CEMR asked more specifically how the Commission could check the implementation of partnership within the countries effectively, particularly the RRF and cohesion funds. In addition, ETUC asked for the Commissioner's view on the role of the monitoring committees in the 2014-2020 and 2021-2027 programming periods.

The Commissioner recognised the deficiencies in the dialogue with the partners in managing the RRF. However, the RRF was an exceptional programme as an emergency instrument overlapped with a major crisis. In this respect, she underlined a great deal of effort put in by the Commission to ensure the proper engagement of stakeholders and improve the composition of monitoring committees, ensuring synergies between the cohesion policy and local and regional authorities. As to the Multiannual Financial Framework (MFF), the CPR clearly described the monitoring committee's structure and responsibilities. Besides, its operation would remain the same as in the previous programming period.

Similar to CCRN and CEMR, EMA criticised the lack of knowledge and transparency about how the partnership agreements function regarding the programming of the 2021-2027 period. Although cohesion policy contributed significantly to the involvement of small and medium-sized

municipalities, this policy area was allegedly not being prioritised.

According to EMA, many controls and audits caused a high level of bureaucracy in the implementation phase, leading to the ineligibility of some projects and expenditures. In this respect, EMA argued that the level of funding did not pay off for the beneficiaries in view of the level of controls, as this situation could provoke a reaction against cohesion policy, demotivating the national authorities.

The Commissioner highlighted the big cities' added value in terms of a more innovative approach, problem-solving and leadership. Besides, she called for a more functional approach to cities as well as for a local vision for the rural areas. In response to criticism of far too many controls, the Commissioner advocated simplification to fine-tune and streamline the process of management while criticizing the gold-plating at the national level. In this respect, she underlined the efforts exerted by the Commission, the European Parliament, the European Court of Auditors, and the other institutions to ensure a completely transparent and zero-fraud process.

ETUC argued that the partnership principle was not effective considering also that the relation between the European Semester and country-specific recommendations was fragile. The calls were not based on the recommendations, ETUC said, resulting in the wealthier regions absorbing the funds. In response, the Commissioner elaborated on the regional policy's differentiated impact on the distribution of the funds. Historically, the weakest regions have received much more per capita funding than the more developed regions. In this respect, the Commission was very attentive to the trend that the wealthiest regions were more vocal, having powerful lobbyists and developing the administrative capacity to use the available funds. The solution might be to approach the cases more specifically and reconcile this trend with the needs of the poorer regions.

ETUC argued that the link between the European Pillar of Social Rights and the programmes was very weak in some Member States. At least in the countries subject to the country-specific recommendations, there was a need for improvement in social dialogue, employment conditions, and workers' participation. In return, the Commissioner explained how the European Semester was embodied as the framework for the actions taken in terms of the MFF. She pointed to the much clearer and direct link between the European Semester, the country-specific recommendations and the Recovery and Resilience Plans (RRPs). In contrast, there was a need for more clarity for multi-annual programmes. Moreover, the Commissioner elaborated on implementing the European Pillar of Social Rights in partnership with the many Member States and underlined that the members' participation would be the key to reaching the right target.

Bankwatch Network argued that the partnership principle was not implemented appropriately, especially in Eastern Europe. In many countries, stakeholders were far from playing the role assigned to them by the CPR, which was perceived only as a formal requirement. Instead of genuine dialogue, there were one-directional meetings. The quality, accuracy, and consistency of information disseminated by the governments were allegedly unreliable. Against this backdrop, the question was how the level of transparency could be improved. According to Bankwatch, a good implementation framework embedded in the programmes is necessary to involve the stakeholders while ensuring independent monitoring from civil society.

The Commissioner pointed out very different situations across Member States, while the Commission services followed very carefully how the Member States were planning to implement the principle. In this regard, another important aspect was to reinforce the capacity building of the partners while increasing institutional capacity to lead the managing authorities to share the information effectively. This aspect was also the reason for giving so much importance to the European Community of Practice, addressing these issues by exchanging practices.

CPMR argued that delays in programming did not constitute a significant obstacle, particularly for

the organisation's membership. Many programmes continued to be implemented as the EU funds remained accessible to most regional authorities. The shared concern among the CRPM members was that the delays could undermine the implementation for a certain period in the future. Besides, a very diverse application of the partnership principle across the different Member States was a cause for concern. In this respect, the organisation asked whether the Commission planned to publish a report on applying this principle during the 2021-2027 programming period. If so, CRPM advocated naming and shaming those who did not fulfil the requirements.

CPMR criticised the lack of consultation about the RRF recovery plans during the drafting process and advocated that the local actors needed more precise information about the programmes and investments on the ground. Therefore, the organisation advocated improving the regulations to engage the local actors in the different phases of the RRF. Finally, CRPM asked about the extent of the recovery spending allocated to the local level.

The Commissioner confirmed that there would be sufficient funding on projects for the following year. Besides, she stated that Member States prioritised reprogramming through the REACT-EU and RRF. Therefore, it was necessary to start preparing and approving the plans to make use of funding in 2022. As the recovery proceeds in line with the 2021-2027 multi-annual plan, only a joint effort to build back with a stimulus could provide the appropriate answer, preventing such a risk and benefiting from cohesion policy, RRF, and Corona Response Investment Initiatives (CRII). Finally, the Commissioner called on the members to pressure the Member States internally as the quality depended on timing.

The EESC agreed with the members about the problems in implementing the principle of partnership. Moreover, the EU advisory body argued that the European Semester report barely mentioned the involvement of social partners in the many Member States concerning RRF. Finally, EESC advocated higher monitoring standards to ensure transparency.

EUA underlined the importance of the new funding, MFF and the recovery package for the beneficiaries. Considering the complexity of the funding landscape, the association called for simplification and synergies to align and use different funding schemes and instruments better.

The Commissioner stated that research funding and Horizon projects were coordinated with cohesion policy funding. Besides, she drew attention to the potential and capabilities of the weaker regions in terms of research. In this respect, it would be essential to have a network, trained people and capacity to prevent a severe digital gap. DG REGIO and the other DGs cooperated in the field of technology as digitalisation presented incredible potential.

The Commissioner informed the members about the activities to trace where the funding ended up. By doing so, the Commission proposed asking the managing authorities to be registered digitally. The use of digital registration could form another layer of complexity but help to identify the ultimate beneficiaries. The European Parliament and the Council could apply more sophisticated data mining tools to simplify the procedures, ensuring interoperability between the institutions and the managing authorities. Although the level of fraud was low, it could be possible to eliminate it via much better use of artificial intelligence. Besides, it was necessary to identify the obstacles correctly. The European legislation alone was not necessarily the source of complexity as a mixture of European, national, and regional legislation could be the real reason. It would not always be easy to reach the right balance between the auditors from the Member States, creating a shared culture regarding how to perform and what to select.

Commissioner Elisa Ferreira underscored that this dialogue was a mutual-learning process both for the Commission and for the participants. She insisted that the members were expected to engage in a certain routine for the community of practice, in other words, democracy in practice. Having the technical capacity to make sound and reasonable proposals, they could benefit from technical support

and assistance offered by DG REGIO in cooperation with DG Reform. The Commissioner ended her speech by encouraging the partners to respond to the call for expressions of interest for the European Community of Practice on Partnership 2021-2027.

2. Role and framework for partnership including specific fora i.e. Community of Practice, Just Transition Platform

In her speech, Anna Wagner (DG REGIO) informed the audience on the legal framework for partnership. She presented it as a fundamental principle firmly embedded in our legislation and regulations. More specifically, four tenets, which shaped this principle, came to prominence: Treaty on European Union, White Paper from the Commission entitled “European Governance”, the European Code of Conduct on Partnership and Common Provisions Regulation.

First, Article 11 of the Treaty on European Union lays upon the European institutions the responsibility to exchange views with citizens and representative associations in an open, transparent and regular dialogue. Anna Wagner underscored the European Commission’s task to carry out broad consultations to ensure that the institutions fulfilled the duties imposed on them by the treaties coherently and transparently.

Aside from the Treaty, Anna Wagner pointed to a white paper issued by the Commission in 2001, which elaborated on the proposals for change divided into four sections. The first section focuses on reaching out and involving citizens in shaping and implementing EU policy through regional and local democracy. More specifically, the document aims to ensure multilevel governance and partnership in which regions and cities participate in European policy-making with national governments.

The third tenet is the European Code of Conduct on Partnership, adopted in 2014 and applicable for 2021-2027. Through this legally binding Commission regulation, one acquires more specific information about the type of partners to interact with in the framework of partnership agreement and programmes: “The partners should include public authorities, economic and social partners and bodies representing civil society, including environmental partners, community-based and voluntary organisations....”

Last but not least, the Common Provisions Regulation adopted in June 2021 regulates how partnership and multilevel governance have to be organised and implemented in detail. Article 8 stipulates a bottom-up approach: Partners ranging from economic and social partners to relevant bodies representing civil society have to be involved throughout the preparation, implementation and evaluation of partnership programmes. The CPR requires the Commission to consult partners at the European level on implementing programmes at least once a year. Considering this legal framework, the partners are essential in putting multilevel governance into practice through CPR dialogue.

Ruth Paserman (DG EMPL) focused on the ESF+ and the experience gained on partnership in the previous programming period. In the context of the 2015-2019 ESF transnational thematic network on the partnership, 12 meetings took place, and reports were published, notably one on co-production, a possible review of the Code, and a guidebook for managing authorities and intermediate bodies. The new ESF+ regulation clearly identifies the “meaningful participation of social partners” as a requirement (ESF+ article 9). Another important feature is the requirement for Member States with a country-specific recommendation on capacity building of the social partners or civil society

organisations to allocate a minimum of 0.25% of their ESF+ allocation under shared management to address this issue. For the other Member States, no fixed amount has been set, but an “appropriate” amount shall be spent in that area.

Witold Willak (DG REGIO) provided information about the background, objectives and future functioning of the European Community of Practice on Partnership 2021-2027 (ECoPP). He stated that this community was set up to step up the efforts in promoting partnership and move from experimenting to mainstreaming partnership. This initiative was expected to give new impetus to the principle of partnership, which was so important in the period of transformational change and transition towards green and digital economies.

During the 2014-20 programming period, ECoPP was mainly a forum, bringing together the colleagues in European Social Fund. In the 2021-27 period, it would be a multi-fund forum, involving not only all the CPR 2021-2027 funds but also the Common Agriculture Policy funds that - while not in the CPR 2021-27 family - they still have partnership principle in their legislative framework. This forum aimed to: 1) Facilitate the exchange of experience with regard to partnership; 2) Stimulate capacity building; 3) Disseminate relevant outcomes, in particular, good practice and innovative approaches; and 4) review the application and functioning of the European Code of Conduct and prepare proposals for its possible update.

Through plenary and sub-group sessions, it would be possible to discuss the functioning of the Code. For example, youth organisations and the Just Transition Fund (JTF) would be among the topics to bring up. In response to the questions on a possible update on the European Code of Conduct, Witold Willak expressed that ECoPP would be able to deliberate on this issue during the proceedings of the subgroups. The debates would aim to have certain deliverables. Therefore, there was a need for very active partners who would be vocal and not afraid to share best practices.

ECoPP would cover and manage all the funds and interests via its 200 members corresponding to two strands, namely the representatives and nominees of the managing authority and the partners to be selected via an open call. In this respect, it would be necessary to ensure the balance in terms of geographical coverage and type of partners. Therefore, Witold Willak called on the participants to encourage their partners to send applications through ECoPP FMB by the end of December. Finally, he underlined that this forum – instead of blaming and shaming – rather intended to create a positive peer pressure of practitioners from the ground, through which we could get much better results.

Monika Zsigri (DG REGIO) presented the Just Transition Platform as a particular issue and slightly different from the previous presentations. Yet, it was also related to the stakeholder involvement and the partnership principle.

European Green Deal and the objective of achieving climate neutrality by 2050 would affect the consumption of fossil fuels and carbon-intensive industries. Transition to climate-neutrality posed a specific challenge to particular regions. The Commission proposed the Just Transition Fund (JTF), a Public Sector Loan facility (PSLF) as well as a dedicated Just Transition Scheme under the InvestEU programme in order to support specific territories during this transition. In this context, JTF supports territories dependent on coal, fossil fuels and carbon-intensive industries in order to address the socio-economic impact of the transition.

The third pillar of the Just Transition Mechanism (JTM), the PSLF, would be implemented in cooperation with the European Investment Bank (EIB). The JTP is a platform that supports the implementation of the JTM. This platform ensures multilevel governance, linking coal and carbon-intensive regions to the transition initiative. Under the JTP, regular high-level JTP events are organised twice a year that provide a good opportunity to share knowledge and good practices. It constitutes an ideal space for territories, authorities and stakeholders impacted by similar challenges to discuss JTM-related issues and capacity building.

Finally, Monika Zsigri stated that JTP provided information for further studies into the impact of transition on the different sectors to fill in the gaps in our knowledge. In the scope of this platform, there is ongoing work to build up a database of projects and the working groups focusing on specific issues ranging from steel, cement and chemicals to stakeholder strategy.

EMA viewed ECoPP as a valuable experiment, including managing authorities and a mixture of associations and representatives of local and regional governments selected through an open call.

CEE Bankwatch Network said it would be beneficial to show different elements of accelerating and promoting partnership through ECoPP.

Witold Willak (DG REGIO) underscored the need for participants on the ground who could exchange first-hand experience. It would be necessary to build communication channels via ECoPP, through which the associations could present best practices and influence the partnership directly. Associations at the EU level are more experienced but do not participate directly, and therefore, would be the second choice for ECoPP.

ENIL stated that the Code of Conduct laid the responsibility of involving vulnerable groups upon managing authorities. However, this task was not fulfilled. Persons with disabilities, Roma people and migrant communities were not properly integrated into monitoring committees. If the membership of the monitoring committees remained the same, those who were excluded previously would be left out again. Therefore, it was necessary to consider them to improve the community of practice. ENIL tried to encourage its partners to apply, but such grassroots organisations lacked capacity, time, resources, and support from the managing authorities. It could be possible for the Commission to force a Member State or managing authority, investing in the capacity of specific excluded groups. According to this organisation, it is necessary to demonstrate bad practices as well in order to avoid them in the future.

Similarly, EMA suggested that the question was how to identify good practices. In this respect, it was necessary to show good practices with open criteria rather than taking a person's statements for granted. It could be possible to give incentives to the managing authorities to be more transparent and improve the requirements for good practices.

Witold Willak (DG REGIO) pointed out to the local partners who were willing to participate and have been excluded or run the risk of being excluded. ECoPP might apply multi-dimensional pressure on the whole system to reach out to them. Furthermore, Article 39 stipulated that it was the responsibility of the Member States to ensure a balanced representation, but the Commission is required to keep track of the process as well. Witold Willak underlined the Commission's commitment to high-quality partnerships all around Europe, including essential partners who were representatives of the communities at the risk of exclusion. Therefore, the Commission issued guidelines to ensure the participation in the monitoring committees and subgroups involving all the DGs.

CEE Bankwatch Network said that we had seen the limits of the Code in ensuring the massive involvement of citizens. There were very well-prepared regions that benefited from cohesion policy the most, whereas others simply lagged behind. Although they made an effort, some regions could not make progress, while a neighbouring region was able to benefit without such an effort. Such cases made a negative impact as well. In this respect, it was necessary not to leave anyone behind but also not to create an anti-EU sentiment.

EESC provided information on the discussion around the percentage for the involvement of civil society, which took place in the ESF monitoring committee. Initially, the idea was to allocate 2 % to social partners and NGOs. However, the current rate, 0.35%, was insufficient. Some Member States were not willing to abide by this obligation. Therefore, the question was how to create a link within

the monitoring committee between national partnership agreements and operational programmes to transfer best practices. According to EESC, it might be easier to adopt a thematic approach.

Ruth Paserman (DG EMPL) acknowledged the existence of unsatisfactory practices, making it sometimes difficult for grassroots organisations to participate fully. To address this, the Commission will continue to support capacity building in local organisations in the long term, notably through the regulatory requirement for Member States to dedicate part of their ESF+ allocation to capacity-building (see above). Moreover, in the programme negotiations, the Commission insists systematically on the consultation of partners.

Anna Wagner (DG REGIO) pointed out that it was necessary to avoid confusion about the scope of ECoPP and prevent an overlap to an unnecessary extent between the various groups. In this respect, she underlined that ECoPP was rather a practitioners' committee on partnership. The present group could provide information on policy substance, the policy on its own merit, and the developments regarding the funds. The aim was to preserve the direct channel between partners and the policy at the EU level, obtaining input for the Code. However, a more direct link between this group and the monitoring committee would be difficult.

Witold Willak (DG REGIO) expressed that the link between ECoPP and specific monitoring committees might lead to new findings and interesting ideas regarding the partnership. The members of ECoPP could engage in spreading good practices and encourage self-reflection of the various managing authorities without shaming and blaming exercise. Next to the ECoPP proceedings, DG REGIO will also launch a study on partnership that will provide food for thought about how partnership was respected during the programming process.

3. State of Play on programming the funds for 2021-2027 and involvement of partners

Witold Willak (DG REGIO) informed the audience about the state of play regarding partnership in the 2021-2027 programming period, with particular reference to the partnership. This principle took place in the legal and institutional framework via Article 8 of the CPR.

In this speech, he explained the general strive for a better partnership on the ground while accounting for specificities of EU funds. The Code would continue to be applied in the programming and implementation of cohesion policy; this time from the beginning of the programming 2021-2027. The Commission has been continuously asking the Member States to improve their implementation of the partnership. In this respect, genuine feedback from partners would be necessary to understand why certain elements could not be implemented and at what level precisely.

Witold Willak expressed that programming was taking off the ground for the 2021-2027 period. In this process, the Commission encouraged informal dialogue to the fullest, as could be seen in the case of Greece. In total so far, six partnership agreements (PAs) have been submitted to the Commission, with the Greek PA being approved. Besides, another group of Member States was expected to submit their PAs in December or early 2022. However, it was unlikely to have approvals of programmes in the current year, but the 2021 commitment would not be lost but reprogrammed to the 4 subsequent years (ie 2022-2025). Moreover, it would be necessary to make sure that the partnership principle was respected before approving any programme. He recalled that the cohesion policy had well-established qualities and shortly described new policy approaches in the CPR.

First, following the European Green Deal, the Member States are expected to respect targets for climate change and biodiversity during the 2021-2027 programming period. New instruments such as the JTF and the envisaged Social Climate Fund would be in place to diminish the social and

economic cost of transition, especially in the carbon-intensive regions. Stronger horizontal principles (fundamental rights, equality, non-discrimination, sustainability, including “Do no significant harm”) – coupled with enabling conditions - were put in place to ensure that our funds are implemented in an inclusive way. A stronger partnership principle will be applied. Improved and leaner enabling conditions will provide a proper national policy framework to improve the quality on the ground. Modernised thematic concentration and more focused Policy Objectives will allow for concentration of funding on objectives while allowing more flexibility in defining the means. The performance framework has been improved to make it more comprehensive and also more policy-oriented with a mid-term review in 2025. Regarding sustainability and inclusiveness, New European Bauhaus demonstrated that the EU was always an avant-garde of providing the best responses to our citizens.

Moreover, the efforts to bring policy closer to citizens are ongoing. In this regard, the question is how to reach out to the local level, implementing the subsidiarity principle in line with cohesion policy. There is great potential in Policy Objective 5. In order to achieve all these ambitions, continued efforts are needed to strengthen the administrative capacity of administrations. With all these elements and ambitions, objectives on simplification and reducing “red tape” are not forgotten; therefore simplification measures for beneficiaries would be the *Leitmotif* for the cohesion policy investments during the 2021-2027 period. Finally, he presented details of the cohesion policy response to COVID via REACT-EU resources of EUR 50,6 bn (that stands for one year of cohesion policy budget) that further complement CRII measures and will ensure investments on the ground as part of reinforced programmes 2014-2020. Impressive progress was achieved in the programming of REACT-EU thanks to the cooperation of the Commission and the Member States.

Ruth Paserman (DG EMPL) presented the ESF+ and its tight connection to the European Pillar of Social Rights, its Action Plan and targets. The Pillar is a policy instrument laying out 20 “social rights” in the field of access to the labour market, skills, working conditions, social protection and inclusion. The ESF+ and its 13 specific objectives will help to invest in education, education and training, and inclusion, both in terms of human capital and improving the quality and functioning of related institutions, such as public employment services.

Dobrinka Dimova (DG MARE) provided a brief overview over the general political context of the European Maritime Fisheries and Aquaculture Fund (EMFAF), highlighting that despite its small size, EMFAF is a key contributor to the European Green Deal and supports meeting the overarching policy objectives of the green and digital transition, resilience and enhancing the added value of public funding in blue economy sectors. She also underlined its role as a key instrument to implement the Common Fisheries Policy (CFP). She presented examples of actions for which EMFAF could provide financial support under its main pillars of shared management: sustainable blue economy & maritime policy, CFP and sustainable aquaculture. As every euro invested should generate much more in terms of collective benefits, EMFAF funding should support investment with a clear EU added value, in particular by addressing market failures. Public support should not duplicate or crowd out private financing nor distort competition. It should facilitate private investment, especially where the private sector is profitable.

Dobrinka Dimova elaborated on the structure of the EMFAF programmes, being similar to the one of the other CPR DGs, with the exception of two elements, specific to EMFAF: 1) SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) and 2) specific financing plan showing the distribution of financial resources across the Specific Objectives. As regards the timing, she informed the audience that the programming exercise is currently at full speed with several interactions and very close collaboration between the Member States and the Commission, inviting MS to look for synergies and complementarities between EMFAF and the other funds’ instruments when designing

the programmes.

The partnership principle applies in the same way to the EMFAF as for the other CPR funds, whereas given this specific nature of EMFAF, being a sectoral fund, the EMFAF related partners are typically sectoral partners coming from the fisheries, maritime and aquaculture sectors, including also environmental organisations.

Dobrinka Dimova closed the presentation with the latest state of play of EMFAF programme formal submissions of the AT and EL programmes.

Ari Valila (DG HOME) provided information on the latest state of play of the programming process of the HOME funds post-2020 (the Asylum, Migration and Integration Fund, the Border Management and Visa Instrument and the Internal Security Fund). The Partnership Agreement as stipulated in the CPR does not cover the HOME funds; all Partnership Agreements must, however, include a description of coordination, demarcation and complementarities between the HOME funds and other CPR funds. In any case, the partnership principle applies to the HOME funds. Each national programme must include a specific section describing how the requirements of the partnership principle have been met.

As regards the formal programming process, Member States should have submitted their draft programmes by 15 October 2021 to DG HOME, which was the case for approximately half of the foreseen programmes. DG HOME is currently carrying out admissibility checks of the received draft programmes. When deemed admissible, DG REGIO, DG EMPL and DG MARE will also assess whether the CPR requirements are appropriately respected in the draft programmes, e.g. Horizontal Enabling Conditions and partnership arrangements. The first adoptions of Member States' programmes are expected in spring 2022.

ENIL argued that partners should be consulted while the Commission evaluated the complaints regarding infringement of EU law. In this respect, the question was how to improve this system internally at the Commission level. Besides, ENIL asked whether the Commission and the managing authority could consider applying the partnership principle better while evaluating the implementation of enabling conditions. Similarly, CPMR asked whether the expert group would be consulted in the evaluations carried out by the Commission. This consultation could be realised by sharing interim reports with its participants and providing the possibility to comment upon them.

WWF European Policy Office asked for more information on how the Commission monitored and enforced the partnership, focusing on the monitoring committees. More specifically, the organisation was interested in the number of plans rejected or sent back for further revision to the Member States due to shortcomings concerning partnership and consultation. Finally, ENIL demanded information about the procedure for organisations to raise issues after the approval of plans and programmes.

CEMR shared some feedback from its members on programming. First of all, there were difficulties in programming the ITI/CLLD tools despite the adoption of the place-based approach and the interest shown by municipalities and regions. Although the new programming period made it possible to utilise urban CLLD, it seemed difficult for the Member States and managing authorities to understand how to organise it. Second, some Member States misunderstood Policy Objective 5 ("A Europe closer to citizens") and had trouble implementing it. More specifically, they failed to realise that PO5 could be complementary to other POs, and as a result, did not commit to allocating funding to PO5 due to the constraints under PO1/PO2. Finally, some CEMR members could barely access Commission comments on the Partnership Agreements received.

In response to the questions and comments as regards Commission's concrete steps to ensure proper partnership, Witold Willak (REGIO) stated that we do not have overall statistics, but the Commission's geographical units and the Member States have been in active dialogue through an informal process, raising the issue of partnership when relevant and necessary. At the horizontal level, the Commission asked Member States to make all the draft programmes available online to improve transparency and ensure proper dissemination of early strategies. Nevertheless, even if websites are set up, there was occasionally a lack of clarity regarding further steps and the timetable. As another example, the Member States were asked to explain the EU allocations to regional partners better. This shows the Commission's reactions to any difficulties in applying the partnership arising from the administrative setup or culture. As regards the role of partnership in implementation, once the programmes are approved, the implementation formally starts with a formal setting up of a monitoring committee that works on further operationalisation of the programme via, e.g. defining selection criteria and calls for proposals. Hence, he underlined that the monitoring committee was the main place for the partners to be heard about the implementation-related questions.

Ruth Paserman (EMPL) reminded the audience that regulations do not foresee the involvement of social partners and civil society in assessing the enabling conditions nor of the complaints to the European Commission, for which the Commission has an exclusive competence. In practice, the Commission may consult to check the facts on the ground.

Anna Wagner (REGIO) expressed that REGIO would be open to presenting its findings to the partners via interim reports, including feedback along the way. In this regard, Anna Wagner asked the participants to get in touch with REGIO in writing if they had a specific issue and complaints. Then, the colleagues would check their concerns with the geographic units, which would be a more efficient way of following up possible concerns.

Dobrinka Dimova (MARE) confirmed that MARE implemented the partnership the same as REGIO and EMPL, closely involving the monitoring committees in the process.

4. Lessons learnt and experience of partners on the European Code of Conduct on Partnership - Interactive workshops based on participants input (World Café format based on guiding questions) followed by a plenary discussion

Breakout room 1: Green and digital transition will mark our future – the Youth should play a key role in the partnership. What practices would you promote for their stronger involvement? Would you consider the New European Bauhaus an example for inspiration and from what perspective?

The rapporteur for the group, Katie Treadwell (WWF European Policy Office), presented “communication” as the headline word. In this respect, she emphasised that it was necessary to use the right tools and channels in the right context to reach out to the youth without limiting ourselves to the internet. As the young people could generate ideas potentially making a genuine impact, they could play a key role in achieving green and digital transition. Besides, there was a need to engage the local people, getting out of the Brussels bubble. Because regions were different, mayors or universities could represent the youth, depending on the region. In this respect, youth ambassadors had to be identified at the regional level across Europe. Then, such ambassadors could apply multipliers, engaging people in issues that mattered to them. Her speech also underscored the need to have a long-term vision for rural areas to create opportunities there. Among other necessities, broadband access was required to keep young people in rural areas in line with this vision. The group specifically reflected on universities to reach out to the youth. If we could involve young people in

the governance of universities, they could impact universities, which were an essential conduit as innovation ecosystems and communication channels.

Breakout room 2: Which opportunities and challenges partnership faces in terms of territories with specific features (urban, rural areas etc)? Is there a balance in place - should this be a feature reflected in the European Code of Conduct?

The rapporteur, Benedek Jávor (CCRN), stated that different views and perspectives were expressed in the group regarding territorial balance and urban and rural areas. However, there was a consensus on the problems: Cities, municipalities and regions were not appropriately heard in the decision-making process, be it at the national or European level. Therefore, a more visible rule would be necessary for the participation of the regional and local authorities. In addition, there was a need for a more territorial approach for different regions with different problems and many geographical specificities. As the same policy (e.g. climate policy and digitalization) could affect different regions very differently, the balance between urban and rural areas must be ensured. For example, mobility packages could be adapted to rural areas with particular mobility issues instead of keeping it exclusive to big cities. Moreover, the rapporteur advocated that the reasons for these problems had to be identified correctly along with the period (e.g. programming and implementation) leading to them. If the local level was not adequately involved in the programming period, it would be impossible to find the right solutions and implement the policy properly. Lack of capacity and knowledge at the local level could be another reason. Besides, the problem might be rooted in a political conflict, which would make the Member States reluctant to start meaningful consultation with the local level.

The group offered six practical proposals to resolve the problems outlined above:

1. It is necessary to share best practices among the stakeholders more effectively, with the community of practices being a good example.
2. There is a need to evaluate the participative procedures and consultation processes better. Publicly available data may clearly show how the Member States performed in participation and consultation.
3. Even clearer guidance is required on understanding the partnership principle, exceeding beyond a box-ticking exercise. This guidance has to be comprehensive, reflecting on different understandings of meaningful participation at the local and national levels.
4. The Commission and the other EU institutions could endorse capacity building further at the local level for the decision-makers to participate.
5. It is necessary to provide the stakeholders with good feedback from the Member State level and local level to be able to take into account proposals and opinions drawn up by the local stakeholders in decision-making.
6. Sanctions are required to force the Member States to respect and implement the principle in the case of a complete lack of proper consultation and participation.

Breakout room 3: Striking an appropriate balance between sustainability and growth is one of the key challenges over the future. What particular role do you see for the partnership in this context and is the European Code of Conduct on Partnership fit for that?

The rapporteur, Anelia Stefanova (CEE Bankwatch Network), stated that the group discussed how to integrate sustainability into the Code of Conduct and decision-making process. As a result of this discussion, the participants decided to present four points:

1. Early involvement of the partners as active members in the decision-making process has to be ensured to discuss the long-term sustainable choices, priorities and the use of the funds. It is necessary to implement partnership in the monitoring committees in this process. Availability of data is essential to achieve this goal. Partners need to access relevant data in a timely manner. Currently, the Code of Conduct does not allow partners to get involved in an earlier phase. Therefore, an improvement of the Code is necessary.
2. The second point revolves around sustainability, sustainable finance, taxonomy and the “do no significant harm” principle. In this respect, the group discussed whether the Code was fit for this service and the partners equipped for it. In addition, there is a need for further capacity building at the local and national levels. The “do no significant harm” principle has to be applied to ensure sustainable finance.
3. The partnership has to be local, with the Code aiming at building a better mechanism for local partnership. For example, the question of how to coordinate with the local banks in Germany needs to be clarified. Financial mechanisms could be tailored to address various needs and stakeholders differing from one region to another.
4. The last point is related to the role of the Commission in issuing guidelines and enforcing sustainability. The group presumed that Commission was enforcing what was legally obligatory. However, we need to discuss the target, role and content of the guidelines as well. More detailed guidelines could be used to empower the local actors at the national level. Besides, guidelines could be improved to ensure more sustainable funds management.

Breakout room 4: The European Code of Conduct on Partnership requires inclusion of vulnerable groups and marginalised communities also, including persons with disabilities, migrants and Roma people. In this regard, what is your perception of the state of play and what further elements you see to support their closer involvement?

The rapporteur, Haydn Hammersley (European Disability Forum), expressed that the group discussed how the organisations representing vulnerable groups and marginalised communities were involved and to what extent expectations and aspirations were taken on board in the management of funds. First, the situation regarding these groups’ participation has gotten worse during the pandemic. The events became less participatory. There has been a struggle for the managing authorities to shift to online meetings. NGOs usually struggled with capacity-related issues, but the pandemic worsened, especially funding, making it more challenging to stay on top of things. Besides, there was no transparency in getting a seat to decide on funding.

To begin with, the NGOs did not necessarily get an invitation to participate. Even the organisations with higher capacity received information regarding an event from the other organisations rather than the managing authorities. Moreover, the partners who could get a seat obtained the documents and information at the last phase, preventing them from preparing well and providing significant input. Therefore, an outreach to inform all the stakeholders in time would be necessary. As for the recommendations, there must be some room for the Commission to give more weight to the civil society instead of passing them onto the managing authorities. There had to be an open call to draw up regulations, including the ideas from civil society. Finally, it was necessary for the organisations taking part in the consultation to explain clearly, why one association was selected instead of one another. The Commission and the managing authorities would disseminate this information while the civil society monitored the process.

Daniel Mouqué (REGIO) advocated that the Commission often encountered national political and administrative cultures and traditions. Each Member State had a tradition of which partners they are

used to working with. For some Member States, cities were listened to; for others, one could not hear much from cities. This tendency could be seen as to minority groups as well: There were countries with a strong tradition of listening to minorities and those with less. In this regard, Daniel Mouqué asked how to develop this culture and tradition of listening. A long-term perspective was required: he stressed that there was no magic wand, and it would take time to build a culture and tradition which involves all the partners in all the Member States. We needed to have this community of practice committed to the long haul: best practices of how to push a centimetre forward every couple of months rather than a kilometre forward immediately.

Richard Croft (MARE) explained that the issue of guidance was linked to the efforts to reduce the administrative burden. It was necessary to walk this tight rope in the Commission between too much guidance and too little guidance, although it was very difficult to find the exact balance.

Anna Wagner (REGIO) added that too much guidance would be detrimental at all levels, as experienced by colleagues with institutional memory. In the 2014-2020 it contributed to delays in programming, created difficulties in audits and enhanced the negative perception of the policy being too complex.

Maria-Anna Paraskeva (EMPL) argued that the challenges encountered in 2014 were recurring regarding the Code of Conduct and the lack of transparency. There was a need for clarity about what was being followed up and who was being consulted. She admitted the lack of capacity for the stakeholders to get involved in the process meaningfully. As institutional setup was different in each Member State, internal consultation at the regional and national levels was replicated at the EU level. There was no one size fits all.

Anelia Stefanova (CEE Bankwatch Network) emphasised the importance of guidelines in understanding what certain EU policies meant in practice. In this respect, the Member States might lack the capacity to enforce certain requirements regarding the specific needs to be considered at the local and national levels. In the absence of guidelines, adequate mechanisms could be developed to build capacity and improve communication and implementation of the cohesion funds. Besides, she argued that it was necessary to rethink partnership, assess current plans in perspective and communicate with different stakeholders over the resources. The selection of partners and the issue of representation had to be discussed, considering different interest groups in our society. A segment of society could sometimes be under or overrepresented in the monitoring committees. Instead, a wider segment of citizens could be represented better.

Anna Wagner (REGIO) indicated that administrative capacity building would be necessary regardless of guidelines. There was a fine line between what to bring in in terms of the content and scope of capacity building and how to balance the needed resources. A well-thought national strategy would be necessary to answer such questions more adequately.

Witold Willak (REGIO) underlined that discussions in the groups confirmed that there would be a lot to discuss in ECoPP's works next year. He stated that ECoPP could not provide guidelines in terms of legislation. Yet, it would produce several tools and case studies leading to ideas, solutions and a wealth of documentation for the stakeholders to benefit.

5. Current Developments of the Open Data Platform

John Walsh (DG REGIO) presented the Cohesion Open Data Platform (<https://cohesiondata.ec.europa.eu/>). The work on the development of this data-based platform

continued. It is a complement to the traditional web platform Info regio. The platform presents unique data on the programmes of interest to the public and stakeholders.

How to exploit cohesion data platform? Simply navigating around, it is possible to access extensive information. Users can use this data for their own analysis, filtering it by fund, programme, theme and country. It aggregates the CPR funds at the EU level with 11 thematic objectives of the 2014-20 period. The platform also allows users to get an extract or snip of an image and share it via Twitter, embed it on a website and write their own narrative.

Financial data at the EU level were illustrated on the platform through three different views of the financial flows. It is possible to view how much EU money was planned and how much has been transferred (cumulatively payments). A thematic breakdown would also be possible on the basis of high level themes.

More complicated themes are presented via stories ranging from risk prevention and biodiversity to smart and inclusive growth and gender equality. By doing so, it was possible to explain where the information came from and where the money is spent.

Data from the adopted programmes would become available early spring or summer in 2022. The initial focus would be on the plans, providing information on the amount allocated to and expected for various themes. Then, the platform would also cover the information relevant to the other DGs. Finally, he stated that they would inform the stakeholders about the programmes and publication of our data in due time.

Onur Ada (DG REGIO) asserted that the platform was probably state of the art both visually and content-wise. In this regard, he asked whether it was also sufficiently flexible to generate data with a different unit of measurement. For instance, it could be possible to use "dwellings" as a unit instead of "households" under the category of broadband access.

In response, John Walsh (REGIO) explained that a certain set of measurement units was always utilised for the common predefined indicators in the 2014-2020 period. The units were derived from programmes with different practices. However, it could potentially be possible to estimate the average number of households.

CEMR argued that it could be difficult to use indicators for comparison, as there might be different indicators for the new programming period. Second, it would be helpful if the platform could visualise the territorial distribution of funds by beneficiaries and types of stakeholders, as rural development (EAFRD) would no longer be one of the CPR funds.

John Walsh (REGIO) stated that there would be a reasonable degree of continuity, although the legislation has expanded the list of the common output indicators. However, it would not be possible to compare the new direct result indicators, which were not previously used. As for the second question, he stated that territorial visualisation was something that is worked on. However, its presentation remained difficult so far as the data at the national level was difficult to map at the regional level. As regards EU rural development programmes, John Walsh understood that DG AGRI is planning to publish the data and conclusions of its monitoring systems for the future CAP programmes.

Benedek Jávör (CCRN) said that it was important that the platform demonstrated the expenditure. As the efficiency of the funding differed from one Member State to another enormously, the final goal of the exercise had to be to keep track of and support the

convergence of the Member States and regions in a comparative framework involving different funding schemes.

John Walsh (REGIO) confirmed that the monitoring indicators kept track of the direct result of the policy in terms of financing and programming. The wider statistical effects and the economic and social impact were assessed through evaluation. The Cohesion report, which would come out early 2022, would look at trends in disparity over time regarding the beneficiaries of funding and its usage, which were at the heart of the policy debate.

Anelia Stefanova (CEE Bankwatch Network) asked whether there could be a potential link between this platform and the national open data systems.

John Walsh (REGIO) stated that the data on the Open Data Platform presented came from national monitoring systems. Some Member States published data more frequently. The platform had the advantage that the programme data was reported to the platform in a synchronised way.

IV. NEXT

Anna Wagner (DG REGIO) concluded that the participants shared knowledge and best practices successfully. They raised a number of issues on the modalities and lessons learned, while making concrete comments and suggestions about how to involve the partners, implementing and improving the Code. She invited the participants to keep the debate open, building on all the debates during the first meeting with the old and new partners in the framework of the new CPR.

Anna Wagner underlined that this exchange was just the beginning of a reassessment, which would continue with the contributions from the members. As a part of the modus operandi of this group, it was important for the Commission to receive input from civil society on the topics that would be of interest to the organisations and their constituency from this session onwards. Then, it would be much easier to design the following sessions. She encouraged the participants to respond to the minutes and share their expectations, facilitating planning and organising a dialogue of higher quality. In return, the Commission would keep track of what they shared through summaries, disseminating them across cohesion policy partners, the Member States and managing authorities.

V. LIST OF PARTICIPANTS

1. Agora Energiewende
2. Asociacion Medcities Y/O Medcités (MEDCITIES)
3. BusinessEurope
4. Capital Cities and Regions Network (CCRN)
5. CEE Bankwatch Network (BWN)
6. Climate Action Network Europe (CAN Europe)
7. Conference of Peripheral Maritime Regions (CPMR)
8. Council of European Municipalities and Regions (CEMR)
9. Euclid Network (EN)
10. Eurochild AISBL
11. Eurocities
12. EuroHealthNet
13. European Association of Development Agencies (EURADA)
14. European Association of Mountain Areas (Euromontana)
15. European Association of Public Banks and Funding Agencies AISBL (EAPB)
16. European Disability Forum (EDF)
17. European Leader Association for Rural Development (ELARD) (not able to connect)
18. European Metropolitan Authorities (EMA)
19. European Network for Community-led Initiatives on Climate Change and Sustainability (ECOLISE) (not able to connect)
20. European Network of Cities and Regions for the Social Economy (REVES AISBL)
21. European Network of Social Integration Enterprises (ENSIE)
22. European Network on Independent Living (ENIL)
23. European Trade Union Confederation (ETUC)
24. European University Association (EUA)
25. Fundación Secretariado Gitano (FSG) / EURoma
26. SGI Europe
27. SMEunited
28. Stichting Birdlife Europe (BirdLife Europe)
29. The Committee of Professional Agricultural Organisations (COPA)
30. The General Confederation of Agricultural Cooperatives (COGECA)
31. The International Network for SMEs (INSME) (not able to connect)
32. WWF European Policy Office (WWF EPO)

European Commission (EC): Commissioner for Cohesion and Reforms, Elisa Ferreira; CAB-FERREIRA (Cristina Martins Guerra, Marta Pilati); DG REGIO (Anda Iulia Micle, Anna Franek, Anna Wagner, Beatrice de Furstenberg, Daniel Mouque, John Walsh, Monika Zsigri, Onur Ada, Otilia Ciobanu, Witold Willak); DG EMPL (Maria-Anna Paraskeva, Marianne Doyen, Ruth Paserman); DG HOME (Ari Valila); DG MARE (Dobrinka Dimova, Richard Croft)

European Committee of the Regions (CoR): Gordon Modro

European Economic and Social Committee (EESC): Florian Marin, Georgios Meleas