

**Monitoring and evaluation – overview of delegations' comments on CSF
Regulations**

This overview of questions and answers has been drawn up to provide further information for delegations. The clarification provided does not prejudge in any way the final position of the Commission on any of these questions

Questions	Commission answers
Article 41 - Monitoring committee.	
<p>41.1 Would there be a possibility to set up and convoke the MC before the formal adoption of the programme? This is important because eligibility starts with OP submission, thus the approval of selection criteria might be needed even prior to the adoption.</p> <p>According to the proposed wording there is possibility to set up one single MC for the Member State but it is unclear whether e.g. a single MC for all the ROPs could be set up. Please clarify. The wording of the present regulation should be used: “A single MC may be set up for several or all operational programmes”.</p> <p>Why is it the Member State that has the responsibility for setting up the committee to monitor implementation, particularly if the programme is regional? Is the scope for a single monitoring committee only available at Member State level or can it be at regional level, assuming the relevant programmes are contiguous? Can there be a joint monitoring committee covering more than one fund or is the option limited to a single committee covering all CSF funds?</p>	<p>No. The Monitoring Committee shall be set up within three months of the date of notification to the Member State of the decision adopting a programme. However, Member States may find practical solutions to ensure a smooth transition from one programming period to the next. For example as for the programming period 2007 2013 operations can be selected before the approval of the selection criteria if they comply with the future selection criteria. For this purpose some Member States established "shadow monitoring Committees" to define in advance selection criteria formally adopted later.</p> <p>Joint monitoring committees for several programmes below the national level are possible.</p> <p>The wording is the same as in the current period. The MS and by extension the competent administrative or political level sets up the MC. The Monitoring Committee can cover more than one fund. It does not need to cover all CSF funds.</p>
<p>41.2: There should be a possibility to set up uniform rules at Member State level. Would it be possible to set one set of rules of procedure for all MCs?</p> <p>A possibility should exist for the role of 2014-2020 MC to be taken over</p>	<p>If all monitoring committees concerned agree to the rules it is possible to set up uniform rules for all monitoring committees.</p>

<p>by the 2007-2013 MC. In our opinion a new parallel institution in smaller countries with centralized implementation system is not necessary and can cause inconvenience for the partners. Proposal: to add additional paragraph in Art 41.1. <i>Where appropriate, a Member State may continue to use the Monitoring Committee set up for monitoring implementation of programmes co-financed by the CSF Funds in the previous period.</i></p>	<p>In the view of the Commission, a Member State can find practical solutions to achieve this in practice without further legal provisions in this regulation.</p>
<p>Why does the Commission delete the reference to the institutional, legal and financial framework of the Member States? (This reference is mentioned in Article 63 of the current General Regulation).</p>	<p>In the view of the Commission the specific set up of operational programmes will reflect the features of Member States. Consequently, it is unavoidable that a monitoring committee will reflect the institutional, legal and financial framework of a Member State.</p> <p>Art. 4 – general principles – stipulates that Member States and the bodies designated by them ...shall carry out their tasks ...in accordance with institutional, legal and financial framework of a Member State. It is not necessary to reiterate this general principle in every section of the CPR.</p>
<p>Article 43 - Functions of the monitoring committee</p>	
<p>We support the concept of common indicators and specific-programme <u>indicators</u>. Taking into account many different aspects in which the indicators are used according to the CPR proposal (see the above-mentioned impressive list of articles), e.g. monitoring, evaluation, performance review and in order to avoid legal uncertainty we underline the need to define precisely the types of indicators (by giving definitions in art. 2 of CPR), irrespective if they are common or specific. We opt for distinguishing:</p> <ul style="list-style-type: none"> • output indicators and programme direct result indicators – both directly connected with the intervention of the programme, aggregated from the projects and monitored within the monitoring and reporting system as well as could be used for the purposes of performance framework and review. The baseline value for both types should be “0”. • strategic result indicators which determine strategic orientation of the programme and include contextual indicators, will be monitored by policy monitoring system and will be a subject of evaluation processes – but will not be used for the performance framework and review. 	<p>In the understanding of the Commission the text included in the regulation is concise and sufficient as it stands. Member States are experienced in this field and guidance is being provided by the Commission, including extensive discussions with the Member States on the subject.</p> <p>In the view of the Commission adding more detail in the regulation would create new constraints for Member States.</p>

<p>The lists of common indicators enclosed in the funds regulations (ERDF, CF, ESF) shall be used for the monitoring and reporting purposes of cohesion policy's effects at the Union level and shall be limited to outputs and programme direct result indicators aggregated from the projects (not from public statistics). The EC proposal may be considered as a starting point in the discussion.</p> <p>Further debate should be focused on ensuring methodological coherence for funds. For instance <u>as far as ERDF and CF are concerned there is a need to indicate clearly which indicators are outputs and which are programme direct results, as it was done for ESF</u>. We see also the need to provide clear definition for every common indicators in the funds regulations – they are common therefore they have to be understood in the same way in every MS.</p>	<p>The draft guidance documents from DG EMPL and DG REGIO on monitoring and evaluation do provide this indication and definitions. Note that in certain cases, depending on the policy action, an indicator can be an output or a result indicator.</p>
<p>43.3 What is meant with the task – monitoring committee shall issue an opinion on OP amendments? In this period monitoring committee has consulting role regarding the amendment. Opinion of the members of monitoring committee is reflected in minutes of the meeting. Is under “issuing an opinion” meant that the opinion is recorded in the minutes of monitoring committee or should there be some separate document?</p> <p>We realise there is an increase in the functions carried out by the monitoring committee, which would play a more important role in examining in detail all issues that affect the performance of the programme. In this regards, we consider that the actual drafting is too vague and not enough clear. So we would like to ask to the Commission if they do not see some advantages in further clarifying in the text in which situations the monitoring committee has to examine particular issues that affect the performance of the programme.</p> <p>Please clarify how this paragraph relates to the stipulations of Art. 100 (Functions of the MC concerning CSF Funds). In Art. 100 there is no reference to financial data, only the approval of AIR; neither to</p>	<p>To issue an opinion means to take a position if the monitoring committee is in favour or against an OP amendment. According to art. 100.2 (e) the monitoring committee shall examine and approve proposals by the managing authority for any amendment to the operational programme, i.e. give a favourable opinion..</p> <p>The Member State can determine if minutes are sufficient or if an additional separate document is needed.</p> <p>Member States should be able to set up appropriate arrangements to implement these provisions. For example, an under- or overachievement by priority axes as expressed by financial, output and result indicators could trigger an examination by the monitoring committee.</p> <p>Art. 43 is in Part Two (applicable to all Funds) and Art. 100 is in Part Three (applicable to ERDF, ESF, CF) of the CPR. Therefore both articles apply to Monitoring Committees of programmes financed from the ERDF, ESF or CF.</p>

indicators, only the examination of the results of evaluations; and there is no reference whatsoever to progress (milestones, target values, etc.).

We recommend referring here also to the recommendation by relevant evaluations: “...changes in result indicators and progress towards quantified target values, progress on the implementation of recommendations by relevant evaluations, and the milestones defined in the performance framework.”

Are there cases where the Monitoring Committee shall not approve the OP amendment? Is there a difference with article’s 100 provisions on OP approval?

43.2 and 3: on the other hand seem duplications as Art 100.1.a / 100.2.e state the same. Please clarify.

Please also clarify on what conditions and based on which criteria targets and milestones can be changed in the future, because they are now related with the allocation of performance reserve and possibly financial correction.

Regarding the specific questions:

- all MC for the CSF Funds have to examine financial data but only ERDF, ESF and CF MC will approve the AIRs; according to Art. 81.1.of RD Reg. for the EAFRD the MC shall consider and approve AIR.
- all MC for the CSF Funds have to examine indicators but only ERDF, ESF and CF MC will approve the evaluation plan and its amendments, and monitor its implementation; and
- all MC for the CSF Funds have to examine progress made against targets and milestones.

The Commission believes that the current wording in Art. 100.1(b) is appropriate: "...the follow-up given to evaluations". This wording stems from the potentially high number of evaluation recommendations that can at times be contradictory, thus the MA and the MC should be able to select and implement recommendations that are considered to be the most relevant and useful.

Art. 43.3 states that MC will examine and issue an opinion on amendments to the programme. Article 100.2(e) sets out that programme amendments have to be approved by the Monitoring Committee where a programme is financed from ERDF, ESF or CF. It is up to the Monitoring Committee whether it approves (favourable opinion) or rejects a programme amendment.

The two articles concern different issues. Art. 100.1(a) requires the monitoring committee to examine issues that affect the performance of a programme. Art. 100.2(e) states that the monitoring committee shall examine and approve any proposal by the managing authority for any amendments to the programme. An amendment can be the consequence of an examination of the programme performance.

Milestones and targets set in the context of the performance framework should be discussed in the context of the relevant articles.

<p>What is meant by MC to be issuing an opinion? How does this affect the role of the MC in Art. 100.2.e)? Does this entail any change to the current practice? We believes that certain parts of the OP should be possible to be modified without a formal COM approval and for these purposes MC approval would suffice.</p> <p>We would like to clarify whether only the MA would have the right to propose to amend the program [Art. 43.3.]?</p> <p>In Art 43 and art 100 nr 2 there could be a misinterpretation of the function of the MC. Does the MC have to approve the issues mentioned in art 100 nr 2 and why is this function not limited to the function of examining the issues mentioned ?</p> <p>What is meant by “<i>The monitoring committee shall examine <u>in detail all issues that affect the performance of the programme</u></i>”?</p> <p>Are the requirements to “<i>issue an opinion</i>” in art. 43.3 and to “<i>examine and approve</i>” in art. 100 the same, or should the monitoring committee do two different things?</p> <p>43.2 requires the committee to examine <u>in detail</u> all issues that affect performance. Is this practical, particularly if meetings can be annual?</p> <p>In general, we would like to ask the Commission to prepare a fiche on the</p>	<p>The Monitoring Committee has to be consulted and given the opportunity to express its opinion on the proposed amendments. The Member State can decide which form the opinion of the MC should take. Art. 100.2 (e) requires that the MC gives its approval (in addition to any other comments it may have) to the amendment. This will not represent a change from current practice for ERDF, ESF or CF programmes. The Commission is open to re-examine the question if all programme amendments need to be approved by a Commission decision.</p> <p>The CPR sets out that it is the Member State that can submit a proposal for amendment of operational programmes (Art. 26). Art. 43.3 states that the monitoring committee shall be consulted and issue an opinion on any amendment proposed by the managing authority. The Commission is open to examine drafting changes to ensure consistency between the two articles concerned.</p> <p>Yes, the MC will approve the elements set out in Art. 100.2. In the Commission's view these are strategic issues where approval from the MC must be sought.</p> <p>It means the MC has the right to raise for discussion in a meeting any issue that affects the performance of the programme, and therefore to obtain information from the MA on the issue.</p> <p>The opinion of Monitoring Committee in the meaning of Art. 43.3 covers the approval by MC members of programme amendments. The monitoring committee can decide its own rules of procedure for this question. Art. 100.2 obliges the MC of ERDF, ESF and CF programmes to provide an opinion that indicates whether the MC approves the proposed amendments or not.</p> <p>Again, the monitoring committee can decide its own rules of procedure.</p>
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<p>whole monitoring process – including the issues common for the 5 CSF funds – in order to:</p> <ul style="list-style-type: none"> - clarify the role of the particular types of reports within the monitoring system, - provide the rationale of including particular elements in given type of report (e.g. information about performance review in reports to be submitted in 2016, 2018, 2020-2022, information about progress towards achievement of the Union strategy for smart, sustainable and inclusive growth with regard to art 44.4. and art 46.2.b) - substantiate the proposed deadlines of reports (e.g. differences between the EAFRD and the Funds); - discuss the common indicator issue, their role in different aspects in implementation process and provide explanation for completely different approach in ERDF, CF and ESF Regulation. 	<p>The Commission will prepare a table on different types of reports.</p>
<p>43.4 What kind of recommendations could the Monitoring Committee address to the managing authority?</p> <p>What does it mean exactly, when the MC may issue recommendations and monitors actions taken as a result of its recommendations? Are the recommendations obligatory to follow by the MA? And do they comprise the actions or is the MA free to decide which actions should be taken? (see the related/similar rule in Art. 44(7)).</p> <p>This is a modification to the present regulation – please clarify the aim of these recommendations and how the Commission thinks these should be taken into account.</p> <p>What kind of recommendations does the Monitoring Committee may issue? Who shall put them forward (e.g. any member with voting rights)? How decisions shall be taken on them? How monitoring of these actions is foreseen (e.g. reporting at the next Monitoring Committee meeting)? Are there any consequences foreseen in the case they are not followed or</p>	<p>The monitoring committee can address recommendations to the managing authority on all issues regarding implementation of programmes and their evaluation.</p> <p>The article encourages active monitoring committees. It is up to the monitoring committee to decide the degree of detail of its recommendations.</p> <p>If a Monitoring Committee issues recommendations to other bodies than the managing authority this falls outside the regulatory framework of the CPR. Recommendations, by definition, are not binding, therefore Art. 43.4 does not oblige the managing authority or any other body to implement the recommendations. However, Art. 43.4 does oblige the managing authority to provide information to the MC on the actions taken as a consequence of the recommendations of the MC.</p> <p>The recommendations of the MC have to be approved by the MC in line with its own rules of procedure (see Art. 41.2).</p>

<p>partly implemented?</p> <p>Why are the recommendations only to the managing authority and not also to the Member State who may be able to look at their applicability to other programmes and funds, and ensure consistency in terms of reporting against the Partnership Contract/Agreement?</p>	<p>Commission is open to including "or member states".</p>
<p>Article 44 - Implementation reports</p>	
<p>Is another document foreseen on the structure of the annual implementation reports?</p>	<p>Art. 101.4 requires the Commission to draw up a model for the annual and the final reports by means of an implementing act.</p>
<p>44.1 Could the Commission explain the new deadline for submitting the final report? Could the Commission explain the difference regarding the reporting between the cohesion policy funds on one hand and the EAFRD and EMFF on the other hand?</p> <p>Second paragraph (“<i>The Member State shall submit a final report on the implementation of the programme by 30 September 2023 [...]</i>”): This is a shorter period than the one and a half year that we have now. Even if rolling closure is introduced, expenses may incur by 31 December 2022 at beneficiaries that need to be paid by them, claimed from the MAs and MAs and/or CAs need to verify and certify these to include them in the final payment claim, etc. <u>Therefore the timeframe set here is rather short for the preparation of the final report.</u></p>	<p>There are several reasons behind the proposal of the 30 April deadline for the submission of annual implementation reports.</p> <p>Firstly, the usability and relevance of monitoring information decreases over time. Currently the information included in these reports is 6 months old. This limits the practical use of these reports both for the Commission and the Member State. Secondly, for cohesion policy in particular, it is important achieve a closer alignment with the economic governance cycle. 30 April is the deadline for the submission of National Reform Programmes. This alignment facilitates parallel monitoring, and if necessary, adjustments to the implementation of interventions under operational programmes and to general economic policies.</p> <p>The Commission acknowledges that the content of the annual implementation reports needs to be streamlined to enable submission to the Commission by the 30 April. This is reflected by the proposal. The simplified content of reports in most years and the separate transmissions of financial data makes possible the preparation of implementation reports within the deadlines set out.</p> <p>In other years of implementation (apart from the final year) Member States have up to 4 months to prepare the annual implementation report (submission deadline is 30 April, with the cut off date of 31 December N-1). They also have up to 7 months from the end of the accounting year (30 June) to prepare and submit the annual accounts along with all accompanying documents (deadline is 1 February N+1).</p> <p>However the programme closure is different, since implementation at the level of beneficiaries stops already at the end of December 2022. Therefore there is sufficient time (up to 9 months, compared to the usual 4 months) to prepare the final report, even</p>

<p><u>Please also clarify the distinction made for the EAFRD and EMFF in the last sentence of the paragraph (“and an annual implementation report for the EAFRD and EMFF”).</u></p> <p>Based on CPR Art. 2 par. 24 in case of Cohesion Funds the financial year means the period between 1 January and 31 December. Please clarify what this would mean in case of EAFRD and EMFF? Also, please clarify why this is requested for the calendar year (1 Jan. – 31 Dec.) if all data would refer to the accounting year? Financial data and data in the AIRs will not be in harmony this way.</p> <p>We propose to add “<i>where appropriate</i>” at the end of the paragraph since climate change targets will not be relevant for all OPs.</p> <p>In relation to art 44 nr 1 and art 101 nr 1 we propose that the managing authorities (in stead of the member state) shall submit to the Commission an annual report on implementation of the operational programme by 30 june 2016 and by 30 june of each subsequent year until and including 2022.</p> <p>Simplification is not evident in the proposals under Article 44. The administrative burden in undertaking these measures will be onerous. The proposals in Article 44 are quite onerous in terms of the level and scope of reporting required.</p> <ul style="list-style-type: none"> • Reporting against the milestones, setting out actions to fulfil the ex-ante conditionalities 	<p>though it is indeed more substantial in content than regular annual implementation reports. It should also be noted that in 2014-2020 Member States will not need to prepare a winding up declaration. In 2023 they should submit annual accounts and accompanying documents for the last accounting year, as they do for any other accounting year during implementation. Therefore the period of up to 9 months from the end of the eligibility period is considered to be adequate for the preparation and the submission of these documents.</p> <p>The EAFRD does not have a final report, but a last AIR. Contrary to the CPR, which foresees an enhanced final annual implementation report, the RD Regulation. does not require it because MS shall submit an Ex post evaluation at programme level instead.</p> <p>The financial year for the EAFRD and the EMFF runs from 1 January to 31 December.</p> <p>The Commission considers this is not necessary since by definition if not relevant for a particular programme there will be nothing to report.</p> <p>Commission is open to including "or managing authorities".</p> <p>This result orientation and focus on effectiveness has been broadly welcomed by Member States. The aim of these provisions has been to limit the information requirements to the minimum necessary and to adjust the timing of reporting requirements to practical needs. Annual reports on most years will be simpler than in 2007-2013. Many elements, for example the establishment of indicators and monitoring progress with reference to those indicators, are not new. The link with the EU 2020 is essential as CSF Funds form a very large part of the EU</p>
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<ul style="list-style-type: none"> • In 2019 and 2023 the reports must also “assess Progress towards achieving the objectives of the programme and its contribution to achieving the Union strategy for smart, sustainable and inclusive growth.” • A citizen’s summary of the report must be made public. <p>We propose a reduction in the scope and breath of these reports closer to that operating in the current round 2007-2013 (EAFRD).</p>	<p>budget. Objectives, as set out in programmes, form the basis for the use of the CSF Funds. The Commission considers it appropriate and necessary that progress made towards the objectives of the programme is assessed at least twice during the programming period and at the end of the period. The publication of a citizens summary is not considered to require substantial additional effort and is important for communication purposes.</p> <p>For the EAFRD the annual report in 2013 has the same quality as the annual reports in previous years, hence the same deadline for submission. For the other Funds, the annual report in 2023 is a final report. The EAFRD also foresees an ex-post evaluation at programme level carried out by Member States, which is to be submitted by the end of 2023.</p>
<p>44.2 What is exactly meant by “fully implemented operations”? Who decides which operations are the “...selected operations”?</p> <p>It is said that <i>the data transmitted shall relate to values for indicators for fully implemented operations and also for selected operations</i>. Should values for indicators in respect of selected operations be those initially foreseen (before starting the implementation of the operation) or those already being achieved during implementation of the operation (taking into account that many selected operations may be in the process of implementation)?</p> <p>Why do actions on ex ante conditionalities need to be reported when these might be more relevant to national policy?</p> <p>What does “values for indicators” mean?</p> <p>Can the EC explain the provisions discrepancy in CPR and ESF regulation, concerning transmitted data related to indicators for fully or partially implemented operations?</p>	<p>The Commission is open to re-examine this article in order to achieve a consistent use of fully implemented, physically completed and completed operations across the regulation.</p> <p>Selected operations means operations which have been selected for support under a programme in line with applicable procedures.</p> <p>The actions on ex ante conditionalities to be reported are those agreed at the time of programme adoption and which have been considered critical to the success of the programme .</p> <p>A value of an indicator is a figure linked to a measurement unit.</p> <p>For the ESF reporting on indicators relate to fully or partially implemented operations. No data is required for selected operations. The reason for this is that the ESF reporting covers mostly data on participants. The characteristics of people (e.g. employment status, age, gender etc) are only known once an operation has started and participants are registered. Unlike currently required by Annex XXIII, no separate leaving or carry over data on participants is required for the common ESF indicators. Hence operations do not need to delay reporting of participant data until the end of the reporting year in order to determine whether a person left the operation or continued</p>

<p>What is the rationale to include in the annual report submitted in 2016, 2018, 2020, 2021, 2022 information about milestones and performance review (art. 44.2) whereas the process of PR is foreseen for 2017 and 2019?</p> <p>We propose the following modification to the original text: „ The data transmitted shall relate to values for <u>financial and output</u> indicators for fully implemented operations and also for selected operations, <u>as well as result indicators relating to priority.</u>”</p>	<p>the following year.</p> <p>There are formal performance review points in 2017 and 2019, but monitoring of progress towards milestones and targets is a continuous process that should enable to MC and the managing authority to take timely measures where it becomes apparent that milestones/targets might not be fulfilled.</p> <p>The transmission of financial data is dealt with in Art. 102. Output indicators and result indicators are already dealt with in the existing text of Art. 44.2.</p>
<p>44.3 In 2017 and 2019 reporting obligations increase considerably (progress reports and obligatory ARMs for all OPs are required). Annual reports need to reflect on many topics which are either horizontal or MS competence. As an optional solution we recommend submitting a Partnership Contract level annual report at the same time with implementation reports, which would specifically present the progress of areas in MS competence.</p> <p>We recommend referring to how the annual reports would be synthesized by the Commission and how good practices will be shared among Member States.</p> <p>What is meant by “result indicator”?</p> <p>It should be clarified whether the contribution of the CSF funds should be included in the implementation report of each programme, or a common report could be elaborated and incorporated in the OP implementation reports.</p> <p>Why is there a need to assess actions on compliance with national and EU law (Article 6)? This should be done when programmes are designed.</p>	<p>Progress reports are different from AIR as they assess progress at a more general and strategic level and for all the CSF Funds. The deadlines of 30 April (for annual implementation reports) and progress report (30 June) have been proposed to allow the use of annual implementation reports as an input into the progress report. The proposal by the Commission includes strategic reports in 2017 and 2019, summarising the progress reports from Member States.</p> <p>A result indicator relates to the objective of a priority.</p> <p>The article refers to the contribution of the relevant CSF Fund(s) to each programme not the contribution of all CSF Funds to all programmes. This is why this information should be included in the reports at programme level. Please take into account that the article stipulates that the contribution should be set out <u>when evidence is available from evaluations</u>. Evaluations will be based on an evaluation plan for each programme.</p> <p>The Commission is open to re-examine this issue.</p>
<p>44.4_Could the Commission please clarify the difference between the requirements stipulated in paragraphs 3 and 4 here? In what way is the</p>	<p>The aim is to achieve a gradation of the requirements and an appropriate timing for reporting on different elements. The 2017 report will not only set out the information</p>

<p>information requested under par. 4 different from the AIR? Also, we recommend complementing the text in the following way, as proposed by France during the SAWP-meeting: “(...) <i>assess progress towards achieving the objectives of the programme and a qualitative analysis of its contribution to achieving the Union strategy for smart, sustainable and inclusive growth.</i>”</p>	<p>required in Art. 44.2 but shall also assess this information. In addition it shall assess progress towards achieving the objectives of the programme. In most cases it will be too early to assess the effects of the programme. The reports submitted in 2019 and 2023 will in addition include information and assess progress towards the programme's contribution to achieving the Europe 2020 strategy.</p>
<p>44.5 We propose to shorten the deadline for the Commission to 10 working days as is the case in the current programming period. Art. 44 (6) The Slovak Republic proposes to shorten COM’s deadline to one month. This will help to speed up the implementation of OPs.</p>	<p>A 15 days deadline seems reasonable and will be demanding for the Commission. The Commission considers a deadline of two months as the minimum time needed to examine the reports and submit observations.</p>
<p>44.6 <u>We find the 5-month deadline given to the Commission too long</u> (especially considering that the Monitoring Committee also discusses the final report, and the delegate of the Commission is a participant).</p>	<p>Given the content and the relevance of the final report and the fact that a number of different Commission services have to be consulted, the 5 month deadline is considered appropriate, This is the maximum period for the submission of observations and in some cases less time will be required.</p>
<p>44.7 Do the recommendations of COM only refer to the issues affecting the implementation of the OP or do they also contain the corrective measures?</p> <p><i>“The Commission may issue recommendations to address any issues which affect the implementation of the programme”. <u>Please clarify what kind of “recommendations” the text refers to here.</u> It is not stipulated whether or not these must obligatorily be taken into account or whether the MC must discuss these, vote on them, etc. Can the MS react to these in any way? It is also unclear how these recommendations relate to the recommendations of the MC where COM is also a participant.</i></p> <p>Strong reservations – it seems to give more coercive power to the COM than in the 2007-2013, by saying that MS are obliged to take corrective measures recommended by the COM.</p> <p>Is it correct to assume that no discussion is foreseen between the Commission and the Members States and that the correctives measures</p>	<p>The article gives the Commission the possibility to issue recommendations, where there are apparent implementation difficulties or issues have arisen that might affect the performance of the operational programme, and Member State has not foreseen sufficient action to address these issues. Therefore these recommendations are of preventive nature.</p> <p>Commission recommendations are not binding for the Member States. However Member States should consider them and respond to them as set out Article 44 (7). Member States may opt not to implement a recommendation by the Commission. However where this leads to a situation where a Member State falls significantly short of the milestones or final targets set out in the performance framework, suspensions and ultimately a financial correction may ensue.</p> <p>It should also be noted that where circumstances set out in Article 134 are addressed through the recommendations, the failure to implement these may lead to a suspension of payments. This is an ultimate solution used when the other possibilities have failed. Discussions are foreseen in the framework of the annual review meeting (Art 45.1) or the procedure of suspension itself (Art 134.2).</p>

<p>will be “imposed” without negotiation?</p> <p>Why the change from “comments” in the 2006 regulation to “recommendations” in the Commission’s proposal? What process is there for dialogue between Member State/Managing Authority and the Commission on the annual implementation report? In particular, what happens if the Member State or Managing Authority disagrees with the recommendation and the analysis underpinning it? What is the status of the recommendation? What sanction is envisaged if the recommendations are not taken on board to the Commission’s satisfaction.</p> <p>We propose to delete the paragraph. We are of the opinion that all COM’s recommendations in relation to the implementation should be addressed within the process of consulting and approving the annual implementation report. Art. 44 (8) We invite COM to provide a guideline on the content of information to be released. We propose to maintain current practice of releasing entire annual reports on MA’s website.</p> <p>We are not in favour of a deadline to inform the Commission within 3 months of the corrective measures taken by the managing authority. We propose to skip this deadline of 3 months.</p>	<p>As the monitoring committee can also issue recommendations regarding implementation of the programme, involvement of the Monitoring Committee in the follow up of Commission recommendations can be beneficial. However it is not obligatory under the CPR.</p> <p>Depending on the breadth and scope of issues addressed in the recommendation, the response might set out an action plan with a timetable by when certain issues are tackled.</p> <p>The Commission believes that a deadline is appropriate to achieve effective follow-up.</p>
<p>44.8 This is a new addition. <u>Please provide more information on the “citizen’s summary” reflected here.</u> Would this be prepared by the MS or COM? Do we understand it correctly that these would be prepared on programmes altogether by Member State? Would the detailed contents of these be regulated by implementing acts?</p> <p>Art. 44.8. should be more specific. What should the summary include and what is meant in practical terms by “<i>shall be made public</i>”?</p> <p>We are in favour of disseminating the complete annual implementation reports, not only its summaries, since such documents would not provide comprehensive information on the Programme implementation.</p>	<p>Making a citizen's summary public can be achieved by traditional means of publication in the form of printed copies or by publication on the internet. As the name suggests, it should be short, written in clear language and cover the main points derived from the annual implementation report. The Commission will adopt a model for the annual reports and the final implementation report by means of implementing act.</p> <p>The Commission does not intend to give further guidance on publication of the summary.</p> <p>The Commission is in favour of the practice of making the annual implementation reports public. A citizens summary is considered necessary to provide the public and the press with a concise overview of the content of the report– it may be part of the</p>

<p>Furthermore, elaborating a supplementary document will be an additional administrative burden for the Managing Authorities and may prevent relevant stakeholders (public opinion, central or regional authorities, media) from analyzing the complete reports.</p>	<p>report.</p>
<p>Article 45 - Annual review meeting</p>	
<p>45.1 How the Commission will take into account the institutional specificities of the Member states?</p> <p>Does the Annual review meeting succeed the hitherto existing Annual meetings attended by the MA and MS and COM or is it supposed to take place additionally?</p> <p>The annual review meeting is made obligatory here every year as opposed to the optionality in the present period. Please reflect on this and also clarify which institution is meant under Member State here (MA, coordination body, ministry?). On the initiative of evidence based cohesion policy the text again may be complemented to refer to evaluations, e.g.: <i>“taking account of the annual implementation report, the progress made on implementing recommendations of evaluations.</i></p> <p>The set-up of the AEMs is unclear in the Art.45.1 stating that COM meets with MS. What is meant by member-state here? In the past AEMs have been between MAs and COM. Why the change?</p>	<p>The annual meeting and the annual review meeting refer to the same meeting therefore this is not an addition to present arrangements. The institutional specificities of Member States can be taken into account. In most years it is possible to organise a separate meeting for every operational programme, or one meeting to cover several programmes. The Member State and the Commission may also agree not to organise an annual review meeting in years other than 2017 and 2019 - in those years the meeting shall cover all programmes.</p> <p>Participation may vary depending on the institutional arrangements of Member States and issues to be covered. The managing authority and where appropriate, the coordinating body, should participate to facilitate the examination of performance referred to in Article 45 (1). However the involvement of other authorities may also be warranted e.g. for issues that pertain to the progress report prepared at national level.</p> <p>The annual review meeting is clearly distinct from the meetings of the Monitoring Committee as it provides the Member States and the Commission a forum for bilateral discussion.</p>
<p>45.2, Is the intention to have a single annual review meeting in each Member State for all programmes in 2017 and 2019?</p> <p>In 2017 and 2019 the progress report now would need to be discussed at the ARM. Please clarify how this would be possible to be discussed at the MA level, if these reports are prepared at national level? If they are to be discussed at national level, who would be the negotiating partners?</p>	<p>The organisation of an annual review meeting is an agreement between the Commission and the Member State. It is considered appropriate that either of the parties may ask for this meeting to be organised if they consider it necessary (in addition to 2017 and 2019 when it is obligatory to organise this meeting).</p>
<p>45.3 in what form and under what conditions can it be decided not to organize an AEM? The criteria should be clearly laid down in the regulation.</p> <p>Paragraph 3 here seems to be contradictory to paragraph 1. Please clarify.</p>	<p>Paragraph 1 sets out the general rule, paragraph 3 sets out the exception, with a clear precondition (mutual agreement not to organise the meeting).</p>
<p>45.4 The fact that the ARM is chaired by the Commission is a novelty to the present routine. We think that the different and overlapping</p>	<p>Chairing the annual review meeting implies that the Commission is responsible for the organisation of the meeting and the follow up (minutes etc.). It is in line with current</p>

<p>competences of ARM and MC and their functions and justification are unclear, more clarity is required. Please reflect upon these issues and relations.</p> <p>Why is the annual review meeting chaired by the Commission, and not chaired jointly with the Member State, to reflect the principle of shared management?</p>	<p>practice. The Member State has the same responsibilities in the case of Monitoring Committees. Member States participate in annual review meeting on the same basis as the Commission, may contribute to the agenda etc.</p>
<p>45.5 The wording of this article requires further analysis on how the follow-up of the Commission’s comments are going to be examined.</p> <p>What is exactly meant by “appropriate follow-up given to any comments of COM following the meeting”? Could this paragraph possibly be deleted in the light of paragraph 45 (1), which rules that observations and recommendations of the COM are being taken into account?</p>	<p>The possibility for the Commission to make some comments and the necessity for the MS to inform the Commission about action taken in reaction to comments already existed for 2007 2013 (art 68.3 of Reg 1083/2006). These recommendations are preventive, and aimed at ensuring that Member States take appropriate and pro-active measures where issues affecting the performance of the programme are identified.</p> <p>Please also refer to the replies above.</p>
<p>Article 46 - Progress report (strategic report)</p>	
<p>46.1: 30 June in 2017 and 2019 are again additional dates and the progress report is again a reporting obligation. Could the Commission please clarify how it is related to the AIR of 2017 and 2019? What would be its added value apart from the fact that it need to be prepared at the national level? In the present period such reports are to be prepared by the end of the 3rd and 5th years, while in the next one these would be required by the end of the 4th and 6th years. Even though we understand that this is proposed because of the performance framework, we must note that this is not a good direction in terms of monitoring as there is less possibility to adjust implementation. As stated by many Member States at the meeting we recommend reducing the number of progress reports to one, and having it only once in 2018.</p> <p>In 2017 and 2019 Member States must submit a progress report on the implementation of the Partnership Contract. This is an additional</p>	<p>The added value of the progress report comes mainly from the fact that it is a joint report on the implementation of the CSF Funds and all programmes and thereby provides a comprehensive understanding of progress toward EU 2020 at a national level. The AIRs relate to the level of individual programmes.</p> <p>The Commission proposals aim to ensure that a comprehensive review is undertaken at points in time where implementation has progressed sufficiently to provide an understanding of (potential) results and impact. This stocktaking needs to be undertaken early enough to allow for adjustment of operational programmes and their implementation in order to facilitate the achievement of objectives by the end of the programming period.</p> <p>However it is important that progress in monitored continuously. Adjustments in programmes and implementation are not limited to the formal review points and can be undertaken at any time.</p> <p>Art. 29 of the current General Regulation (Cohesion Policy) stipulates that Member States submit strategic reports in 2009 and 2012. The progress reports are thus not</p>

reporting requirement to those required at present.	additional reporting requirement in comparison to the current situation.
<p>46.2 We propose to add ‘where appropriate’ in the beginning of letters e,f and g. Concerning art 46 nr 3 we suggest that the Commission delivers the arguments on base of which the Commission determines that the submitted information is incomplete or unclear. It is also helpful that the Commission illustrates the questions that are not completely answered.</p> <p>Please clarify why a report is needed e.g. in 2019 on the fulfilment of ex ante conditionalities as these would have to be fulfilled by end 2016?</p> <p>Also, we do not support that the part on macro-economy has been left out. It is preferred that such topics are not only judged by the Commission but MSs could reflect on them as well. It would also be important because of macroeconomic conditionalities (should the concept be maintained, which we are against) to demonstrate how Cohesion Policy contributed to macro indicators.</p>	<p>The content of the progress report has been closely aligned with that of the Partnership Contract. It is appropriate that where Member States have committed to reinforcement of capacity or reduction of administrative burden, they report on the fulfilment of such commitments.</p> <p>The reporting on ex-ante conditionalities is to provide an overview at sectoral level of completion of actions. All ex ante conditionalities should be fulfilled by the end of 2016 or not later than 2 years after the adoption of the Partnership Contract whichever is earlier. If all ex ante conditionalities have been timely fulfilled, the reporting in 2019 will be very short. However, it cannot be excluded that the implementation of some actions to fulfil ex ante conditionalities faces delays, therefore a reporting at Member State level on their implementation is considered useful in the progress report by 30 June 2019.</p> <p>It is important that the progress report is complete in particular with regard to the achievement of milestones set out in the performance framework, as the allocation of the performance reserve is not possible without complete data.</p> <p>As regards macroeconomic conditionalities, it has to be observed that they are linked exclusively to Council recommendations and decisions in the framework of the European Semester, the excessive deficit procedure, the macroeconomic imbalance procedure as well as in case financial assistance is made available in accordance with Art. 21(1)(d) of the CPR proposal. Reporting on their follow-up takes place in these frameworks. In case Partnership Contracts and operational programmes have been modified following a Commission request ex Art. 20(1) of the CPR proposal, this modification will be reflected in the reporting foreseen in Art. 46(2) (a) and (b) of the CPR proposal.</p>
<p>46.4 Please specify the exact date when these strategic reports are due (now the text only states the years). We recommend changing the wording to “In 2017 and 2019, at the latest by 31 December, the Commission shall prepare...”. Also, please modify the text in the following way: “the Commission, <u>in close cooperation with the Member State</u>, shall prepare a strategic report...”</p>	<p>The strategic reports are prepared by the Commission, are based on the progress reports and cover all operational programmes. It is clear from the text that the strategic report shall be prepared between the 30 June and 31 December in the two years in question.</p> <p>Commission is obliged to prepare a strategic report summarising the reports from the Member States twice during the programming period 2007-2013, thus this is also not a</p>

	new element.
46.5 The timetables are considered very tight for the elaboration of the report. Will the Cohesion Policy only be treated on the spring meeting of European Council in 2018 and 2020?	<p>The report to the European Council will be prepared by the Commission. The Commission agrees that the timetable set for the Commission is demanding.</p> <p>A summary of the strategic report will be included in the Annual Progress Reports to the spring meeting of the European Council only in 2018 and 2020. In addition, the strategic report will also be submitted to the European Parliament, the European Economic and Social Committee and the Committee of the Regions.</p>
46.6 For smaller MS with small amount of OPs and a centralized implementation system these separate strategic progress reports in the past have not added much analytical value on top of annual reporting, which would also include variety of strategic elements in the years 2017 and 2019. It makes very little sense to actually separate these reports. We encourage the COM to find a way to allow for the possibility to integrate the reports, by having additional requirements in the AIRs for 2017 and 2019.	The added value of the progress report comes mainly from the fact that it is a joint report on the implementation of all CSF Funds and thereby provides a comprehensive understanding of progress toward EU 2020 at national and EU level. The AIRs shall provide information on the implementation of individual programmes..
Article 47 – General provisions	
<p>47.1: Please clarify why the impact of programmes should be assessed in accordance with the mission of the „respective CSF funds”, not the objective of the programme. In addition there may be OPs financed by two or more Funds and their objectives cannot be seen as a sum of objectives of various Funds.</p> <p>The specific paragraph includes the evaluation of each Operational Programme’s impact in relation to GDP and unemployment. Deleting this section is proposed, while in case the E.C. insists in evaluating those parameters, the commissioning of thematic evaluations could be proposed covering the impact of all the actions and not individual OPs.</p> <p>We have no comments in relation to the general provisions. However, we reaffirm our request that the level of resources required to provide this level of evaluation is too high and does not respect the principle of simplification.</p>	<p>The article also states that evaluations shall assess the effectiveness, efficiency and impact of programmes. Thus programmes will be evaluated against their objectives and in relation to the targets for the Europe 2020 strategy.</p> <p>The article states that the impact of programmes in relation to GDP and unemployment shall be evaluated <u>where appropriate</u>.</p> <p>Credible evaluation is an indispensable ingredient of result orientation within cohesion policy. Therefore evaluation during the programming period is a key requirement. As is the case in the current programming period, Member States will have the freedom to decide the timing, the content and methods of evaluation.</p>

<p>We propose to clarify the regulation in order to allow the realization of horizontal evaluations (i.e. at Partnership Contract level) (art. 47.1).</p>	<p>Member States can carry out additional evaluations, not required by the regulation, at the level of the partnership contract.</p>
<p>47.2 The phrase “<i>Member States shall provide the resources necessary for carrying out evaluations...</i>” should be further clarified, as it seems related to conditionality no. 7 -Statistical systems and result indicators. So far we have noted that this specific conditionality does not contribute to the reduction of the management burden for the final beneficiaries, that the current official statistical system could cover part of this data and possible methodological problems could be raised in the framework of a common system. In this respect, our country does not agree with the content of the afore-mentioned conditionality.</p> <p>It also appears that evaluations shall be exclusively financed by member states national funds, contrary to the provisions of Regulation 1083/2006, where the use of technical assistance funding was foreseen (EC co-financing). We suggest retaining the provision of Regulation 1083/2006.</p>	<p>Each Member State should be in a position to arrive at a judgement if resources necessary for carrying out evaluations are in place without further details in the regulation. The ex ante evaluation will i.a. appraise the suitability of the procedures for monitoring the programme and for collection of the data necessary to carry out evaluations.</p> <p>Questions related to ex ante conditionality should be discussed in the context of art. 17 of the CPR.</p> <p>Evaluations can be financed from technical assistance, see Art. 51.1(e).</p>
<p>47.3 We would like to ask the Commission if point 3 stating that “Evaluations shall be carried out by experts that are functionally independent of the authorities responsible for programme implementation introduces a different approach from the current obligations. We would like to be sure that an evaluation unit working for the Structural Funds General Directorate, which is not responsible for managing the Funds, can be considered, as it has been the case during the current programming period, independent according to the proposed art. If this is the case, we would like to ask the Commission if there is any reason to change the drafting, as we prefer the wording of Regulation 1083/2006 because it is, in our opinion, clearer. Please clarify what it means that evaluations shall be carried out by „<i>functionally independent</i>” experts?</p> <p>The option to carry out in-house evaluations as well as external evaluations should be provided.</p> <p>We propose to maintain the current provision 47 (3) under 1083/2006,</p>	<p>The Commission takes note of the concerns of the Member States but maintains that appropriate measures need to be foreseen to ensure that evaluation remains neutral and unbiased.</p>

<p>i.e.: “evaluations shall be carried out by experts or bodies, internal or external, functionally independent of the authorities responsible for programme implementation”.</p> <p>EC proposals may preclude the internal evaluations carrying out by authorities responsible for programme implementation (art. 47.3).</p> <p>Please provide information on when the Commission is planning to provide guidance on how to carry out evaluations.</p> <p>Also, Art 47(3) promises COM guidance. We would suggest that a specific dead-line for the issuing of the guidelines is set.</p>	<p>In close cooperation with the Member States the Commission will provide guidance at the beginning of the programming period. DG Regional Policy has prepared guidance on the monitoring and evaluation of the ERDF and the Cohesion Fund, including guidance on evaluation during the programming period. DG Employment, Social Affairs and Inclusion is currently preparing guidance on ESF monitoring and evaluation. It will be presented to the Member States in March.</p> <p>The Commission is currently working on draft guidance for ex ante evaluation.</p>
<p>47 (4) Where lies the benefit of publishing all evaluations in their entirety compared to the current rule, under which only the results of evaluations are published in accordance with the regulations on document access?</p> <p>Please clarify what “<i>shall be made public</i>” means. What qualifies as “public”? We think that “<i>in its entirety</i>” should refer to final reports only. How would the requirement to make evaluations public in their entirety apply where there is personal or commercially confidential data?</p> <p>In our opinion the extent in which evaluation results will be published should be made in accordance with national law - some of data are sensitive i.e. personal data (art.47.4).</p>	<p>Evaluations should be the object of deliberations of the monitoring committee and, ideally, of a wider audience. The intention is to increase transparency and accountability of public spending. The results of evaluations are difficult to understand and judge if the analysis on which they are based is not accessible.</p> <p>"Making public" includes traditional means of publication like printed copies or publication on the internet.</p> <p>The article does not mean that every piece of information collected in the framework of an evaluation must be made public. In the experience of the Commission, confidential personal and commercial data do not need to appear in an evaluation report.</p>
<p>Article 48 - Ex ante evaluation</p>	
<p>48.1 Why in 48.1 is it the Member State and not the Managing Authority that has to carry out the ex ante evaluation?</p>	<p>The Commission is open to add "or managing authority".</p>

<p>The proposed Ex Ante Evaluation is too broad in scope. Given the very short timetable for Partnership Contract and programme preparation the Ex Ante Evaluation should be focused on narrower terms of reference.</p>	<p>The requirements set out reflect key elements of future operational programmes and enhanced result orientation focusing on smart, sustainable and inclusive growth.</p>
<p>48.2: Please clarify what it means that ex ante evaluations “<i>shall be carried out under the responsibility of the authority responsible for the preparation of the programmes</i>”? Why is this important? What if the preparation of the programmes is shared between several authorities? Please explain why submitting the whole ex ante evaluations is necessary. Why is not the summary enough?</p> <p>48.2 says the Fund-specific rules may establish thresholds under which the evaluation may be combined with that for another programme. Can the Commission give an example, and point to where in the fund-specific regulations this provision may be found? The only possible one seems to be where a monitoring committee covers more than one programme (A104.1 CPR).</p> <p>The fund – specific regulations do not include thresholds for combining OP evaluations.</p>	<p>Ex ante evaluation and programming are closely linked. This is why the same authority should be responsible for both processes.</p> <p>This may indeed be feasible where one monitoring committee covers several operational programmes. However no thresholds have been set out in the relevant Fund specific rules for ERDF, ESF and CF. The Commission is open to examining the justification for setting out thresholds.</p>
<p>48.3 How the ex-ante evaluation could properly take into account the content of the partnership agreement? (Both documents will be available at the same time and the Partnership agreement will summarize the main elements from the OPs).</p> <p>It may be considered to add information (“<u><i>the adequacy of planned measures to promote social inclusion</i></u>”) on the planned measures to promote social inclusion in an (n) point. This is not especially for measures aiming specifically for social inclusion, but would mainly serve avoiding opposite effects.</p> <p>In the Art.48.3 a general requirement should be added asking member states to evaluate the contribution of OPs to the Cohesion policy goals and region specific needs. Currently the regulation proposes to assess OPs consistency with EU 2020 strategy and country specific recommendations (Treaty of EU functioning Art 121 (2) and 178(4). We believe Cohesion policy has it’s own overarching goals that have to be achieved and ex-ante evaluated.</p>	<p>Preparation of programmes, partnership contracts and ex ante evaluations will be parallel, interactive processes.</p> <p>Member States are free to include this aspect.</p> <p>The article stipulates that the ex ante evaluation will appraise the contribution to the Union strategy for smart, sustainable and inclusive growth <u>taking into account national and regional needs</u>.</p>

<p>48.3.(d),(g) and (k) – we have reservations regarding timing, if we would have Partnership contract, targets and mile-stones as the object of ex-ante evaluation.</p> <p>Furthermore annual country specific recommendations [art.48.3.(d)] cannot be used as a basis for long term Cohesion policy intervention planning. These recommendations are revised on an annual basis.</p> <p>48.3(g) and (k) we would ask the COM to provide methodology how to assess whether targets are realistic and mile-stones are adequate. Otherwise, these requirements are too vague.</p> <p>The executive summary mentioned in the ex-ante evaluations is also included in the submitted OPs (as is the case in the current period)? Is this the meaning of the relevant draft EC fiche for the OP content?</p> <p>3 (b) A clarification is requested on ‘<i>other relevant instruments</i>’.</p>	<p>The Regulation does not require the ex ante evaluation to cover the partnership contract. A summary analysis of the ex ante evaluations of the OPs will be part of the Partnership Contracts in order to justify the selection of thematic objectives and the indicative allocations of the CSF Funds(Art.14 (a) (ii)).</p> <p>Country-specific recommendations identify structural problems which should be tackled by Member States. Whilst their follow-up is indeed assessed on an annual basis within the European Semester, their full implementation takes more time than 12 months and the core issues of country-specific recommendations remain fairly stable over a longer time period. Structural funds and cohesion policy aim at addressing structural problems and constitute therefore an important EU tool to provide support to Member States for addressing structural problems subject of country-specific recommendations. The guidance provided by country-specific recommendations is not new in cohesion policy. In the current programming period Article 4(2) of the ESF Regulation provides that support shall be concentrated on the implementation of the relevant employment recommendations.</p> <p>Programmes were required to include targets already in 2007-2013. Therefore Member States have sufficient experience in setting programme targets. Milestones are intermediate targets set for 2016 and 2018. The Commission does not intend to develop guidance on the establishment of target levels and milestones for the ERDF, the ESF and the Cohesion Fund.</p> <p>Articles 24 and 87 do not require the inclusion of a summary of the ex ante evaluations into operational programmes. Art. 48.2 requires the submission of the ex ante evaluation, with an executive summary, to the Commission at the same as the submission of the programme.</p> <p>Both national or EU instruments may be relevant, depending on the circumstances. Which instruments are relevant should be determined case by case.</p>
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<p>(i) the ex-ante evaluation of the adequacy of human resources and administrative capacity for programme management contradicts to the article of the regulation according to which those are assessed by the Audit Authority and not at an ex-ante phase. Our proposal here is to evaluate the implementing provisions as in the current programming period.</p>	<p>The Commission considers that an ex ante appraisal in art. 48 is necessary, and has a wider scope than the accreditation process under Art. 64 which focuses on the management and control system.</p>
<p>48.4: The paragraph states that „the ex ante evaluation shall incorporate, <u>where appropriate</u>, the requirements for Strategic Environmental Assessment”. The wording “where appropriate” caused a lot of debate with the Commission. A clear guidance should be made to avoid this.</p>	<p>The Strategic Environmental Assessment is a responsibility of Member States. The Commission will provide guidance on the issue in its guidance document on the ex ante evaluation of programmes.</p>
<p>Article 49 - Evaluation during the programming period</p>	
<p>49.1: The paragraph states that the evaluation plan shall be drawn up by the MA. Please explain this with a view to the stipulations of article 47.3 (<i>functionally independent expert</i>). Is the plan set up by the MA to be implemented by the independent expert?</p> <p>We propose to add to article 49 nr 1 "An evaluation plan may be drawn up at Member State level and may cover more than one programme".</p> <p>An evaluation plan shall be drawn up by the managing authority for each Programme but the detailed requirements of this are not yet known. We would appreciate more guidance from the Commission as to what this will entail.</p>	<p>The intention is indeed that the evaluation plan, set up by the managing authority and approved by the monitoring committee, is implemented by the independent experts. The Commission is open to re-examine the text of art. 49.3 to insure unambiguous drafting.</p> <p>The Commission is open to examine the possibility that different managing authorities present their respective evaluation plans, approved by the monitoring committee, in a consolidated <u>evaluation plan</u>.</p> <p>DG REGIO and DG EMPL will ensure compatibility of approaches in terms of recommendations for the content of the evaluation plan.</p> <p>DG REGIO has already proposed such a recommendation in its draft guidance document on ERDF and CF monitoring and evaluation. The document states that an evaluation plan should include the following elements:</p> <ul style="list-style-type: none"> - indicative list of evaluations to be undertaken, their subject and rationale; - methods to be used for the individual evaluations and their data requirements; - provisions that data required for certain evaluations will be available or will be collected;

<p>The provision hampers ad-hoc evaluations addressing urgent evaluation needs. We propose reformulation as follows: “During the programming period, managing authorities shall carry out evaluations including evaluations to assess effectiveness, efficiency and impact, for each programme <u>on the basis of the evaluation plan</u>. For addressing urgent needs, managing authorities may launch ad-hoc evaluations which are not included in the evaluation plan”.</p>	<ul style="list-style-type: none"> - a timetable; - a strategy to ensure use and communication of evaluations; - human resources involved; - the indicative budget for implementation of the plan; - possibly a training map. <p>DG EMPL will discuss its guidance document on ESF monitoring and evaluation in the next meeting of the ESF evaluation partnership in March.</p> <p>For the EAFRD, the minimum requirements for an evaluation plan will be laid down in an implementing act and DG AGRI will provide guidance.</p> <p>An evaluation plan does not exclude ad hoc evaluations. The draft guidance documents of DG REGIO and DG EMPL include a clear position on this point.</p>
<p>49.2: Please reflect on what the requirement to ensure appropriate evaluation capacity means. Does the stipulation refer to authorities’ inside capacity? Based on which criteria will this be decided?</p> <p>We invite COM to provide an explanation to „<i>the sufficient evaluation capacity</i>“. We propose to replace “<i>sufficient</i>” by “<i>appropriate</i>”. We consider useful to link this provision to art. 47 (2).</p>	<p>Every Member State should assess their needs and existing capacity in the context of their particular circumstances. Experience shows that the existence of evaluation knowledge and competencies inside and outside the administration is necessary to develop an appropriate evaluation capacity.</p> <p>Article 49.2 does use the word "appropriate".</p>
<p>49.3: Please confirm that this paragraph allows for central evaluation units. For the sake of clarity “managing authorities <u>or a designated unit</u>” should be added to the text. The evaluation of the synergies of programmes should be referred to in this paragraph (“including evaluations to assess effectiveness, efficiency and impact, for each programme, <u>as well as synergies of programmes</u>, on the basis of the</p>	<p>Central evaluation units are possible. The submission of an evaluation plan by the managing authority does not exclude the possibility that a central evaluation unit prepares and implements the plan. The MC for each programme will remain in charge of examining progress in implementation of the evaluation plan and follow-up given to findings of evaluations.</p>

<p>evaluation plan.”). These worked successfully in several countries in this period.</p> <p>Does “<i>priority</i>” refer to priority axis or investment priority?</p> <p>In line with the principle of simplification, we cannot support the additional requirement to examine all evaluations at the MC and to have them sent to the COM, since all evaluations are sent to Commission and all relevant partners are involved through evaluation working group.</p>	<p>Concerning the synergy of programmes, Member States are free to undertake such evaluations, going beyond legal requirements.</p> <p>Priority is used in the sense of Art. 2.6 and Art. 24.2.</p> <p>It is up to the Member States to organise the work of monitoring committees in an efficient manner. Preparatory technical work can be carried out in evaluation working groups and be submitted to the monitoring committee.</p>
<p>49.4 In which cases may the Commission carry out evaluations of programmes?</p> <p>Please add “in close cooperation with the Member State” to the paragraph.</p> <p>Will the Commission ensure any evaluations it carries out under Article 49.4 are consistent with Member State plans and carried out in close cooperation, for example in terms of fieldwork needed so operational burdens can be managed, and will the Commission discuss or agree it methodology with the Member State. Under what circumstances does the Commission envisage carrying out its own evaluation?</p>	<p>This article represents a continuation of existing arrangements. In the view of the Commission, no substantial problems have arisen with regard to these arrangements. Evaluations carried out by the Commissions will typically address questions across Member States and themes. This can require also the evaluation of individual programmes.</p> <p>In carrying out its evaluation, the Commission will use all evaluation evidence already made available by Member States.</p>
<p>Article 50 - Ex-post evaluation</p>	
<p>It is not clear if the COM or the Member State will carry out the ex-post evaluations. We would be in favour of the COM being responsible for that as it is now in the Regulation 1083 article 49 point 3. Taken into consideration that the implementation of the programmes will be finalized only until the end of 2022 we would recommend completing ex-post evaluations until 2025 instead of 2023 in order to get real results and impacts.</p> <p>Extending the originally proposed deadline for submitting the ex-post evaluations will enable Member States and EC to gather more reliable data especially from annual and progress reports, evaluation reports and the final reports (since they are due to 30 September 2023). Poland propose to complete ex post evaluation by 12 December 2024. What are</p>	<p>Art. 50 refers to all CSF Funds. It states that it will be either the Commission or the Member States that shall carry out the ex post evaluation.</p> <p>Art. 104 specifies for the ERDF, the Cohesion Fund and the ESF that the ex post evaluation will be the task of the Commission.</p> <p>The deadline for the ex post evaluation is 2023. On the basis of the experience with the ex post evaluation of the programming period 2000-2006 where Member States criticised that the evaluation came too late in 2009 the Commission does not wish to delay the ex post evaluation beyond 2023.</p> <p>For the EAFRD the ex post evaluation shall indeed be prepared by the MS (Art. 85 RD Reg.)</p>

<p>the reasons behind the Commission’s proposal regarding the deadline for ex post evaluation? Could it be extended?</p>	
<p>Article 100 – Functions of the monitoring committee</p>	
<p>Is the monitoring committee also responsible for the selection of operations?</p> <p>100.1.i “financial instruments” – Please explain what the examination of FEIs would cover and what the difference between the examination of major projects and FEIs is. On what level would it be required?</p> <p>100.1 Does it mean that the monitoring committee shall examine all the topics foreseen under Article 100.1 in its every meeting? 100.2. a) It is said that <i>the monitoring committee shall examine and approve the methodology and criteria for selection of operations</i>. How detailed this methodology should be?</p> <p>1 (h) It is unclear how the examination of the ex-ante conditionalities at OP level is determined, how and who shall examine their fulfilment. Does the Monitoring Committee have the responsibility to rule on whether these are fulfilled in the framework of the OP? In addition, would it have the responsibility to put forward measures for their fulfilment or it would have a verification role on the realization of conditions set at each thematic priority?</p> <p>Is it appropriate for the monitoring committee to examine actions in terms of fulfilment of ex ante conditionalities, given these may relate to areas of national policy?</p>	<p>The MC is responsible for the approval of the "the methodology and criteria for selection of operations" (Art. 100.2(a)). Project selection is the task of the managing authority.</p> <p>Financial instruments and major projects are two different issues. Art. 100.1.d requires the examination of the implementation of major projects, Art.100.1(i) requires the examination of financial instruments. The tasks of the monitoring committee in respect to these items are set out in Art. 43.</p> <p>The Commission acknowledges the differences between operational programmes and the respective monitoring needs and does not consider issuing rules on how the Monitoring Committees work. As a general rule, the MC is expected to examine relevant Art. 100.1 issues at least once a year.</p> <p>The final conclusion on whether or not an ex ante conditionality has been fulfilled is made by the Commission (Art.17.5). The Monitoring Committee has to examine the actions taken to fulfil ex ante conditionalities (Art.100.1(h)) and may, if it wishes to do so, issue recommendations in this area and follow them up (Art. 43.4).</p> <p>As ex ante conditionalities relate to the effective implementation of the programme, the Commission sees the role of the MC in this examination to be justified.</p>
<p>100.2.a: Please explain why no deadline for this is specified. (“<i>criteria for selection of operations</i>”)</p> <p>100.2.b: Does the MC not need to examine and/or approve financial data</p>	<p>No deadline has been proposed, because this provision covers also the amendment of these criteria. Some support schemes may also be launched only in the middle of the programming period. Given the importance of these criteria for the selection of operations, the first set should be approved during the first Monitoring Committee, within three months of the adoption of programmes.</p>

<p>referred to under article 102 (transmission of financial data) before submission?</p> <p>What does the EC mean by “<i>the methodology (...) for selection of the operations</i>” which is the subject of the approval by the monitoring committee (Art. 100.2.a)?</p> <p>100.2.c and d (OP evaluation plan and communication strategy) are new elements. Please explain their addition here. We think that these elements should only be examined, but not approved by the MC.</p> <p>100.2.e states that “<i>any proposal by the managing authority for any amendment to the operational programme</i>” shall be examined and approved by the MC. Could the Commission please justify this? This stipulation creates considerable administrative burden by requiring MC approval for any minor issues (e.g. based on the OP fiche, the change in the email address of the MA director). Please reflect on whether or not the revision of the list of Major Projects 2 years after the OP decision referred to in article 91.2 would need MC approval or will this be an automatic process without any formal modification of the OP.</p> <p>A100.2.c requires the Monitoring Committee to examine and approve the evaluation plan, which is then sent on to the Commission. Does the Commission need to approve the plan too (and by implication seek changes) or will it accept if it has been examined by the Monitoring Committee?</p> <p>What is the role of Member States in evaluation (beyond ensuring appropriate capacity is available in A49). Do Member States have the ability to agree the plans to ensure consistency in terms of pulling</p>	<p>The MC has to "examine in detail all issues that affect the performance of the OP" (Art. 43.2 and 101.1). In order to be able to fulfil this task the MC should receive the financial data at least once a year, but not necessarily on a quarterly basis.</p> <p>Methodology refers to the manner (method) in which the selection criteria are applied to select operations.</p> <p>Evaluation and communication plans were introduced in the current period (2007-13). Based on the experience, the Commission considers these issues to be essential and wishes to strengthen the role of the MC in this respect. In addition, the approval of the evaluation plan by the MC will strengthen the independence of the evaluation function of the MAs and enhance the ownership of the MC of evaluations. A stronger focus on evaluations is required in order to achieve a more result oriented policy.</p> <p>The operational programme is the basic document elaborated and submitted by the Member State and approved by the Commission. The Monitoring Committee is a body set up by the Member State after the OP approval and is responsible for monitoring programme implementation. This monitoring capacity would be undermined if amendments were submitted to the Commission without examination and approval by the MC. Determining what is relevant or not is not always straightforward.</p> <p>Art. 91.2 refers back to Art. 26.2 and does not envisage a special procedure for OP amendments.</p> <p>In the case of cohesion policy, the evaluation plan is to be sent to the Commission as a member of the monitoring committee in its advisory capacity.</p> <p>No formal procedure has been foreseen in the CPR to coordinate implementation of the evaluation plans of different Operational Programmes. Monitoring committees</p>
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<p>together the progress reports and assessing delivery of the Partnership Contract/Agreement?</p>	<p>examine and approve the evaluation plans. It is the prerogative of the Member States to ensure availability of appropriate information necessary for the progress report.</p>
<p>Article 101 - Implementation reports for the Investment for growth and jobs goal</p>	
<p>Could the Commission explain the new deadline for submitting the annual report?</p> <p>Overall, we are pleased to see real efforts to make AIRs lighter in all the years except 2017 and 2019. We are especially pleased to see that the issues of controls and irregularities are being largely separated from the AIRs. However, Art.101.1. – proposes to bring forward the dead-line for AIRs by 2 months. Not only would it cause significant additional administrative burden, it would also diminish the quality of reports. There have been problems to have qualitative reports accepted by the MC with the current dead-lines. 30th of April is near impossible, especially in the years when the thick reports are required [Art.101.3]. If COM needs April 30th, the requirement to have AIRs accepted by the MCs should be abolished. We propose to bring back the dead-line to 30th of August, so that there is enough time for all the necessary comments, observations and recommendations from both – the national partners and the COM. Consequently the articles 44.5. to 44.7 should be abolished.</p> <p>Why is there a difference with EAFRD proposal where the deadline is end May?</p>	<p>There are several reasons behind the proposal of the 30 April deadline for the submission of annual implementation reports.</p> <p>Firstly, the usability and relevance of monitoring information decreases over time. Currently the information included in these reports is 6 months old. This limits the practical use of these reports both for the Commission and the Member State. Secondly, for cohesion policy in particular, it is important achieve a closer alignment with the economic governance cycle. 30 April is the deadline for the submission of National Reform Programmes. This alignment facilitates parallel monitoring, and if necessary, adjustments to the implementation of interventions under operational programmes and to general economic policies.</p> <p>The Commission acknowledges that the content of the annual implementation reports needs to be streamlined to enable submission to the Commission by the 30 April. This is reflected by the proposal.</p> <p>As already explained above the link with economic governance is important for cohesion policy in particular. Furthermore it will allow a better planning of work especially when the same authority works on the different reports.</p>
<p>101.3 Clarification is sought on the specific need for this information and which are the OP's concerned (art. 101.3 c)?</p> <p>Please provide more information and justification on (j), “<i>the involvement of partners in the implementation, monitoring and evaluations of OPs</i>”. What is meant by this?</p> <p>According to art. 87, an OP shall set out: [...]2.(f) <i>arrangements to ensure the efficient implementation of the Funds, including (ii) an assessment of the administrative burden for beneficiaries and the actions planned to achieve a reduction accompanied by targets</i>. These actions and relevant</p>	<p>The information under art. 101.3 c) is required if a programme co-finances interregional or transnational actions.</p> <p>Partnership is a key principle, set out in art. 5 of the CPR. There are regulatory requirements to fulfil in this respect and the report should outline how this has been done.</p> <p>This information is not intended to be used for comparison across Member States. Member States should set targets that reflect their own context and the needs of the beneficiaries.</p> <p>Targets could be expressed in different manners – e.g., as cost reductions or as time</p>

<p>targets should be then described in the annual implementation report (art. 101.3.b <i>progress in implementation of actions to reinforce the capacity of Member State authorities and beneficiaries to administer and use the Funds</i>). We express serious doubts as regards the possibility to establish measurable targets concerning the reduction of administrative burden for beneficiaries since it would not be comparable among Member States. The MS have different experience and OP implementation systems and divergent regulatory needs. Therefore, defining proper indicators aiming at measuring this type of actions seems to be unfeasible. What type of targets (indicators) should be defined in terms of reducing administrative burden for beneficiaries?</p>	<p>reductions. The specific targets set will also depend on particular bottlenecks identified in the assessment.</p>
<p>101.4 Why are the implementing acts adopted in accordance with advisory procedure and not by examination procedure?</p>	<p>The implementing act foreseen is a model, which is based exclusively on the requirements set out in the CPR.</p>
<p>Article 102 - Transmission of financial data</p>	
<p>Where do these new provisions come from? From the recast of the financial regulation? 102 (1): Why does COM think the current data from the payment requests will not be sufficient in the future period? 102 (1) a: Why does COM need the number of operations selected for support?, 102 (1) b: What is meant by “Cost of contracts and other legal commitments”?</p> <p><u>We do not support this requirement.</u> In addition to the implementation reports twice a year, MC meetings and ARM at least once a year, the provisions here would generate excessive administrative burden for the MAs, and it is also unclear what the added value and the concrete aim of this activity would be. All data should be represented in the implementation reports in a unified form.</p> <p>Please also clarify what par. 1.b) would mean in practice and whether once again this would mean a reporting obligation similar to the former ISPA requirements?</p> <p>What is the difference between the term <i>eligible cost</i> (1a) and 1b)) and the term <i>eligible expenditure</i> (1 c)?</p>	<p>These provisions have been put forward :</p> <ul style="list-style-type: none"> • to ensure that Commission has updated information on financial progress on the ground (this information is used also for external reporting and outdated information can reflect negatively on the Member States); Data from the payment requests do not give a real picture of the situation because they reflect expenditure on projects that happened sometimes months before. • to facilitate monitoring of implementation on the ground, as information on eligible expenditure declared is not sufficient for this purpose. This is especially important in the first years of implementation, when using expenditure incurred as the main indicator of progress is not always appropriate and the absence of other systematically collected data makes the assessment of progress complex. <p>The number of projects is important because the Commission is currently unable to provide as simple information as the number of operations supported and, to a lesser extent, the average costs of operations (approximated on statistical basis).</p> <p>The data required by Article 102 illustrate the normal steps followed by an operation during months or even years: selection, commitment, payments declared by beneficiaries and, via payment claims, payments declared to the Commission.</p> <p>102 1 (b) aims to monitor the real progress of operations, as there are many instances where operations are selected for support, but implementation does not commence or</p>

<p>Article 102 1. b). It is unclear how detailed information should be provided under this requirement and what impact on administrative burden could be expected.</p> <p>102.1 c) Does the expression “eligible expenditure declared by beneficiaries” means expenditure incurred and eligible for reimbursement?</p>	<p>it commences with a substantial delay. Therefore the cost of operations selected for support alone does not provide a comprehensive understanding of progress. As regards 'contracts and legal commitments' the intention is to define amounts for which a binding commitment has been taken but to let some margin to MS to interpret it according to their national practices.</p> <p>The collection of this information should be part of day to day financial management and the transmission should be electronic, if possible, automatic. Therefore the additional burden associated with these provisions should be minimal.</p> <p>102.1 (c) does refer to expenditure incurred and declared by beneficiaries. It is the step before declaration of expenditure to the Commission, before the verifications carried out by the Member States to verify that the expenditure are really eligible, incurred and paid by the beneficiary. Therefore it is expenditure incurred and eligible according to the beneficiary declaration.</p>
<p>102.3 For what purpose does the Commission require forecasts? Does the requirement to provide forecasts for the current and subsequent year apply to both the January and July deadlines, or is current year required only in January and the subsequent year only in July.</p> <p>The dates here (31 January and 31 July) for the payment forecast are too early as well. Also, the text refers to “Member States” instead of “Certifying Authority”.</p>	<p>The forecast of the amount for which Member States expect to submit payment applications is essential for the management of the Union's budget. The deadlines have been proposed to ensure the availability of information necessary for the planning of the Union budget. It is assumed that at the latest by 31 July Member States have such a forecast to enable the planning of their own national and regional budgets.</p>
<p>Article 103 - Cohesion report</p>	
<p>Opposed to all the requirements set for the reports to be submitted by the MSs, this provision seems to lack detail.</p>	<p>The cohesion report is prepared by the Commission. It is a requirement set out in the Treaty. The provision has been copied from the current Regulation. No additional requirement is foreseen.</p>
<p>Article 104 – Evaluation</p>	
<p>104.1 We propose to provide greater flexibility to the member states regarding the elaboration of evaluation plan and the level that this is prepared. E.g. could we have an evaluation plan for all OPs or a group of OPs not under one Monitoring Committee? In some cases many evaluation plans could prove less functional (e.g. 10, 15 plans under one Partnership Agreement, distinct plans at OP level could not cover</p>	<p>The Commission takes note of the wish of several Member States to establish evaluation plans at national level or for a group of programmes covered by several monitoring committees. The Commission underlines that the managing authorities of each programme must retain ownership and be responsible for the evaluations of the programme, the monitoring committees need to examine and approve the planned evaluations of their programmes and examine implementation of the evaluation plan</p>

<p>horizontal evaluations covering interventions more than one OP, or evaluations concerning results at policy or fund level). In this case, its approval could be covered by a higher-level body from the Monitoring Committee (such as a conference of presidents of OP Monitoring Committees).</p> <p>Why it is required to submit the evaluation plan to the first meeting of the monitoring committee, taking into account that more time could be needed to complete planning of evaluations?</p>	<p>and the follow-up given to findings of evaluations.</p> <p>Certain evaluation approaches necessarily require the identification and collection of baseline data before or at the very beginning of the programming period. Consequently, evaluation plans must be elaborated and submitted at the beginning of a period. These plans can be amended during the programming period.</p>
<p>104.2 What does the Commission mean by ‘main outputs and results of the programme’ (in particular as programmes can run until 2022 and this information needs to be sent by 2020)?</p> <p>Aren't the overview of evaluation reports and the follow up of evaluation findings part of each annual implementation report? Wouldn't it be more reasonable and efficient to report about the evaluations and follow up activities yearly basis?</p> <p>How does the new obligation to report a summary of all the evaluations of a programme go along with the aim of simplification?</p> <p>Finally, regarding the Art. 104.2, we suggest postponing dead-line from end 2020 to end 2022, which would allow reporting on more meaningful results as they become visible only after full project implementation.</p> <p>We propose to delete this paragraph. Data required will be at COM's</p>	<p>The summarising report is an essential contribution of Member States in the ex post evaluation to be carried out by the Commission. Given the number of programmes, the number of evaluations and the volume of monitoring information, a summary is considered necessary.</p> <p>The regulation requires the Commission to complete the ex post evaluation by 31 December 2023. In order to adequately prepare the ex post evaluation, the summary report needs to be available by 31 December 2020.</p> <p>The AIR usually summarises evaluation findings and their follow-up. In addition, it is not considered good practice to postpone the discussion of evaluation findings to the discussion on the AIR. This might delay important decisions as a follow-up to evaluation findings.</p> <p>The summary report is to be understood as a means to strengthen result orientation and effectiveness of the funds.</p> <p>The Commission acknowledges that a number of effects will occur only after December 2020. The ex post evaluation will be able to provide a more comprehensive picture of the impact of the policy. The deadline has been set to make sure that information necessary to underpin the ex-post evaluation is available at the appropriate time.</p> <p>The summary report will give MA the opportunity to provide a qualitative analysis of</p>

<p>disposal on the basis of annual reports.</p> <p>We propose to postpone the date of submitting the summary evaluation report for each operational programme originally proposed for December 2020. In our opinion document will not be useful for MS and EC: it will be too early to make an reliable ex-post evaluation and too late for using the findings in the process of programming the subsequent financial perspective. We propose to prepare the report with the summary findings from evaluation (summative evaluation) in 2023 as an annex to final report and also to add the evaluation section to the progress report in 2019.</p>	<p>the monitoring data covering the programming period up to 2019.</p>
<p>104.3 The final sentence says the Commission shall carry out ex post evaluations. How does this fit with A50, which says it can be either the Commission or Member State in close cooperation? Are the same provisions applicable to the EARDF and EMFF and if so why are they not in Part Two of the Regulation?</p>	<p>Art. 104 relates to the ERDF, the Cohesion Fund and the ESF only.</p>